By Mr. PATTON of Pennsylvania: A bill (H. R. 25925) granting an increase of pension to Cyrus Michael; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25926) granting a pension to William Clinton; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 25927) granting an increase of pension to Casper Laager; to the Committee on Pensions.

By Mr. SCULLY: A bill (H. R. 25928) granting a pension to John W. Merriman; to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 25929) for the relief of the estate of Leopold Harth, deceased; to the Committee on War Claims.

By Mr. VOLSTEAD: A bill (H. R. 25930) for the relief of William Helsper; to the Committee on War Claims.

Also, a bill (H. R. 25931) granting a pension to Lucretia B. Crockett; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 25932) granting an increase of pension to Lydia L. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25933) granting an increase of pension to Michael O'Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25934) granting an honorable discharge to William H. Thiell; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FULLER: Petition of the Southern Baptist Convention at Oklahoma, Okla., protesting against the wearing of any religious garb in Government schools; to the Committee on Indian Affairs.

By Mr. GRIEST: Petition of C. A. Burrows, Lancaster, Pa., favoring legislation relative to the high cost of living; to the Committee on Foreign Affairs.

By Mr. HARTMAN: Petition of the Aero Club of Pennsylvania, favoring passage of a national statute for the regulation and control of the navigation of the air; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKEAD of New Jersey: Petition of C. E. James, Bayonne, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Workmen's Sick and Death Benefit Fund of the United States of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, protesting against the passage of any parcel-post measures; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of the Chamber of Commerce, Los Angeles, Cal., favoring passage of bill giving American vessels free use of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Southern Baptist Convention at Oklahoma, Okla., favoring passage of bill prohibiting the wearing of any religious garb in Government schools; to the Committee on Indian Affairs.

By Mr. SCULLY: Petition of citizens of Perth Amboy, N. J., against passage of bill providing celebration of 100 years of peace with England; to the Committee on Foreign Affairs.

By Mr. SULZER: Petition of the Maritime Exchange of New York City and the American Institute of Marine Underwriters, favoring appropriation of $5,000 to cover cost of the participation of the United States at the International Conference on Maritime Law; to the Committee on Appropriations.

Also, petition of the American Embassy Association of New York, favoring passage of House bill 22589, for improving embassy, legation, and consular buildings; to the Committee on Foreign Affairs.

By Mr. UNDERHILL: Petition of the Shorthand Club of New York (Inc.), protesting against passage of House bill 4036, providing for appointment of official shorthand reporters for the United States district courts; to the Committee on the Judiciary.

By Mr. WILSON of New York: Memorial of Jacob S. Strahl Lodge, No. 158, Independent Order Ahawas Israel, of Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of New York Typographical Union, No. 6, against passage of parts of Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of Photo-Engravers' Union of New York City, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *July 24, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted by the International Longshoremen's Association, favoring appropriations for deepening and widening the channels of the Great Lakes, etc., which were referred to the Committee on Commerce.

He also presented a resolution adopted by members of the Inventors' Guild, favoring the appointment of a commission to investigate and accomplish reforms in the Patent Office and in the courts hearing patent cases, which was referred to the Committee on Patents.

Mr. CRAWFORD presented a petition of Local Division No. 213, Brotherhood of Locomotive Engineers, of Huron, S. Dak., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was ordered to lie on the table.

Mr. PERKINS. I present a telegram from the president of the Chamber of Commerce of San Francisco, Cal., which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

SAN FRANCISCO, CAL., *July 23, 1912.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

Answering yours 21st, telegrams referred to are personal from certain members of chamber, presumably sent following their signatures to petition circulated by transportation companies interested authorizing telegrams to be sent in members' names. They do not represent official action of this chamber, as names and signatures are unknown to us. Can not acknowledge as requested. Attitude of chamber of commerce is expressed in its resolution of March 11, copy of which you have. This resolution was unanimously adopted by the board of directors of chamber and represents opinion of a large majority of its members in obtaining signatures to the petition. All influence was exercised on those from whom Pacific Mail purchases supplies and with whom it has business relations. Please file this communication with the Senate committee and reaffirm chamber's attitude as expressed in the resolution referred to.

SAN FRANCISCO CHAMBER OF COMMERCE,
M. H. ROBBINS, Jr., *President.*

Mr. SMITH of Michigan presented petitions of sundry citizens of Middleville, Mich., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were ordered to lie on the table.

He also presented a petition of Central Lodge, No. 475, International Association of Machinists, of Grand Rapids, Mich., praying for the passage of the so-called eight-hour bill, which was ordered to lie on the table.

He also presented the memorial of George W. Stone, commander Department of Michigan, Grand Army of the Republic, of Lansing, Mich., remonstrating against the proposed discontinuance of the pension agency at Detroit, Mich., which was referred to the Committee on Pensions.

He also presented resolutions adopted by the State Association of Farmers' Clubs of Michigan, favoring the enactment of legislation designating September 30 of each year as "memory day," which were referred to the Committee on the Judiciary.

Mr. OLIVER presented a memorial of sundry citizens of Wilmerding, Pa., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Union No. 1, International Steel and Copper Plate Printers' Union of North America, of Philadelphia, Pa., praying for the passage of the so-called injunction limitation bill, which was ordered to lie on the table.

He also presented resolutions adopted by members of the Aero Club of Pennsylvania, favoring the enactment of legislation providing for the regulation and control of aerial navigation, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of sundry members of the New England Society of Friends, residents of Providence, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was ordered to lie on the table.

Mr. PENROSE presented a memorial of sundry citizens of Wilmerding, Pa., remonstrating against an appropriation being made for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. McLEAN, from the Committee on Forest Reservations and the Protection of Game, to which was referred the bill (S. 6942) to establish the Pecos National Game Refuge in the State of New Mexico, and for other purposes, reported it without amendment and submitted a report (No. 963) thereon.

Mr. MARTINE of New Jersey, from the Committee on Claims, to which was referred the bill (H. R. 25060) for the relief of Joe Cook, reported it without amendment and submitted a report (No. 964) thereon.

Mr. BRISTOW, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 16621. An act for the indemnification of Frank Wenzel (Rept. No. 965); and

H. R. 17709. An act for the relief of John M. Oak (Rept. No. 966).

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 22648) to authorize a change in the location of Fourteenth Street NE., in the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 967) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CATRON:

A bill (S. 7350) for the relief of Nicolas Apodaca; and

A bill (S. 7351) for the relief of Cecilio Sandoval; to the Committee on Claims.

A bill (S. 7352) granting an increase of pension to James F. Bandy; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 7353) for the relief of Robert D. Gray; to the Committee on Claims.

By Mr. SMITH of Michigan:

A bill (S. 7354) to remove the charge of desertion from the military record of Charles F. Getchell; and

A bill (S. 7355) to remove the charge of desertion from the military record of Edwin Chapple; to the Committee on Military Affairs.

A bill (S. 7356) granting an increase of pension to George A. Cullin; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7357) granting an increase of pension to Emiles Pomeroy; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 7358) authorizing the Treasury Department to test upon ships a device for hoisting and lowering lifeboats at sea; to the Committee on Commerce.

By Mr. McLEAN:

A bill (S. 7359) granting an increase of pension to Mary J. Weeks (with accompanying paper); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 7360) granting an increase of pension to Curtiss D. Garrett (with accompanying paper); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 7361) for the relief of William Allman and others; to the Committee on Claims.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate $193,543.02 in settlement of the claim of the State of Oregon for expenses incurred in raising volunteers for service in Indian wars, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

TARIFF DUTIES ON WOOL.

Mr. CUMMINS. I submit a proposed amendment to House bill 22195, ordinarily known as the wool bill. I ask that it be printed and lie on the table and also that it be printed in the RECORD.

There being no objection, the amendment was ordered to lie on the table and be printed and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. CUMMINS to the bill H. R. 22195, "An act to reduce the duties on wool and manufactures of wool," viz: Strike out all after the enacting clause and substitute therefor the following:

That the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of Schedule K of section 1 of said act, from 360 to 395, inclusive, and inserting in place thereof the following:

"1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided for the purpose of fixing the duties to be charged thereon into the three following classes:

"2. Class 1, that is to say, merino, mestiza, metz, or metis wools or other wools of merino blood immediate or remote, down clothing wools, and combing wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Egypt, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, down combing wools, Canada long wools, or other like wools of English blood, and usually known by the terms herein used, and all wools not hereinafter provided for in class 3.

"3. Class 2, that is to say, all hair of the camel, goat, alpaca, or other like animal, not hereinafter provided for in class 3.

"4. Class 3, that is to say, Donskoi, Native South American, Cordova, Valparaiso, Native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

"5. The standard samples of all wools or hair which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools and hair under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

"6. Whenever wools of class 3 shall have been improved by the admixture of Merino, or English blood, from their present character, as represented by the standard samples, now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

"7. If any bale or package of wool or hair specified in this act shall be entered as class 3, and shall contain a greater percentage of class 1 wool, or class 2 hair, than does the proper standard sample thereof, then the whole bale or package shall be subject to the rate of duty chargeable on wool of class 1, or hair of class 2, as the case may be; and if any bale or package shall be entered by the importer, or anyone duly authorized to make entry thereof, as shoddy, mungo, flocks, wool, hair, or other material, of any class specified in this act, and such bale or package shall contain any admixture of any one or more of the foregoing, or of any other material, subject to a higher rate of duty, the whole bale or package shall be dutiable at the highest rate imposed by this act upon any article or material in said bale or package.

"8. Whenever in any paragraph of this act the word "wool" is used in connection with the material or manufactured article of which it is a component material, it shall be held to include wool or hair of sheep, camel, goat, alpaca, or other like animal, whether manufactured by the woolen, worsted, felt, or any other process.

"9. The duty on all wools of class 1 shall be, if scoured, 19 cents per pound; if in the grease, or in any other condition than scoured, and not advanced by any process of manufacture, 18 cents per pound on the clean wool, which shall be ascertained by scouring or other tests made in accordance with regulations prescribed by the Secretary of the Treasury: *Provided, however*, That in no event shall the duty exceed 45 per cent ad valorem.

"10. The duty on all hair of class 2 shall be, if scoured, 8 cents per pound. If in natural condition or any other condition than scoured, and not advanced by any process of manufacture, 7 cents per pound on the clean hair, which shall be ascertained by scouring or other tests made in accordance with regulations prescribed by the Secretary of the Treasury: *Provided, however*, That in no event shall the duty exceed 30 per cent ad valorem.

"11. The duty on all wools and camel's hair of class 3 shall be, if scoured, 6 cents per pound. If in their natural condition or any other condition than scoured, and not advanced by any process of manufacture, 5 cents per pound on the clean wool or hair, which shall be ascertained by scouring or other tests made in accordance with regulations prescribed by the Secretary of the Treasury: *Provided, however*, That in no event shall the duty exceed 40 per cent ad valorem.

"12. The duty on wools or hair on the skin shall be 2 cents per pound less than is imposed upon the clean wool or hair of class 1, 2, or 3, as the case may be, imported not on the skin and unscoured, the quantity and value to be ascertained under such rules as the Secretary of the Treasury may prescribe.

"13. Top waste and slubbing waste, 20 cents per pound.

"14. Roving waste, ring waste, and garneted waste, 16 cents per pound.

"15. Noils, carbonized, 14 cents per pound; uncarbonized, 11 cents per pound.

"16. Thread waste, yarn waste, and wool wastes not herein specified, shoddy, mungo, and wool extract, 7 cents per pound.

"17. Woolen rags and flocks, 3 cents per pound.

"18. Combed wool or tops made wholly or in part of wool or camel's hair, valued at not more than 20 cents per pound, 12 cents per pound on the wool contained therein; valued at more than 20 cents per pound and not more than 30 cents per pound, 16 cents per pound on the wool contained therein; valued at more than 30 cents per pound and not more than 40 cents per pound, 18 cents per pound on the wool contained therein; valued at more than 40 cents per pound and not more than 50 cents per pound, 20 cents per pound on the wool contained therein; valued above 50 cents per pound, 21 cents per pound on the wool contained therein. That on all the foregoing in this paragraph mentioned there shall be paid an additional duty of 5 per cent ad valorem.

"19. Wool and hair which has been advanced in any manner or by any process of manufacture beyond the scoured condition but less advanced than yarn and not specially provided for in this act, 20 cents per pound on the wool contained therein, and in addition thereto 5 per cent ad valorem.

"20. On yarns made wholly or in part of wool valued at not more than 30 cents per pound the duty shall be 14 cents per pound on the wool contained therein, and in addition thereto 12 per cent ad valorem; valued at more than 30 cents per pound and not more than 50 cents per pound the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 15 per cent ad valorem; valued at more

than 50 cents per pound and not more than 80 cents per pound the duty shall be 21 cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem; valued at more than 80 cents per pound the duty shall be 24 cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

"21. On cloths, knit fabrics, flannels, felts, women and children's dress goods, coat linings, Italian cloths, buntings, and all other fabrics of every description made wholly or in part of wool and not specially otherwise provided for in this act, valued at not more than 30 cents per pound, the duty shall be 16 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem; valued at more than 30 cents per pound and not more than 40 cents per pound the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem; valued at more than 40 cents per pound and not more than 60 cents per pound the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem; valued at more than 60 cents per pound and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem; valued at more than 80 cents per pound and not more than $1 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem; valued at more than $1 per pound and not more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem; valued at more than $1.50 28½ cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"22. On blankets and on flannels for underwear, composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem; valued at more than 40 cents per pound and not more than 50 cents per pound, the duty shall be 20 cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem; valued at more than 50 cents per pound, 23 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem: *Provided*, That on blankets over 3 yards in length the same duty shall be paid as on cloths.

"23. On ready-made clothing and articles of wearing apparel knitted, woven, or felt of every description made up or manufactured wholly or in part and composed wholly or in part of wool, if valued at not more than 40 cents per pound, the duty shall be 20 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem; if valued at more than 40 cents per pound and not more than 60 cents per pound the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem; if valued at more than 60 cents per pound and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem; if valued at more than 80 cents per pound and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem; if valued at more than $1 per pound and not more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem; if valued at more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"24. On handmade Aubusson, Axminster, Oriental, and similar carpets and rugs made wholly or in part of wool, 55 per cent ad valorem; on all other carpets of every description, druggets, bockings, mats, screens, hassocks, bedsides, art squares, and portions of carpets or carpeting, and all other coverings for floors composed wholly or in part of wool, 25 per cent ad valorem.

"25. All manufactures made wholly or in part of wool and not specially provided for in this act, if the component material of chief value is wood, paper, rubber, or any of the baser metals, the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem. If the component material of chief value is silk, fur, precious or semiprecious stones or gold, silver or platinum, the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem. If the component material of chief value be a material not mentioned in this paragraph, the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

"26. This act shall take effect on the 1st day of January, 1913."

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, which was ordered to lie on the table and to be printed.

IMPORTATION OF ADULTERATED SEEDS.

On motion of Mr. GRONNA, it was

Ordered, That the bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes be recommitted to the Committee on Agriculture and Forestry.

HEARINGS BEFORE THE COMMITTEE ON THE LIBRARY.

Mr. WETMORE submitted the following resolution (S. Res. 365), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Library or any subcommittee thereof be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-second Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate.

LIMIT OF VISITORIAL POWERS.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate the following order.

The Secretary read the order, submitted by Mr. SMITH of Georgia on the 20th instant, as follows:

Ordered, That the Committee on Finance be discharged from the further consideration of the bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States, and that the same be laid before the Senate for its consideration.

Mr. LODGE. The Committee on Finance met this morning, and I think is in session now. I returned to the Senate because I have a matter pending on the sundry civil appropriation bill. They were ready to take action upon that bill, but owing to the absence of the Senator from Texas [Mr. BAILEY], who desired to be present when action was taken, they deferred it until Monday, knowing that nothing would be done with it in the next three days.

Mr. SMITH of Georgia. Then I am perfectly willing that the order shall go over until Monday, without displacing it.

The PRESIDENT pro tempore. The order will go over until Monday, without losing its place. The morning business is closed.

AIDS TO NAVIGATION.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to that part of the amendment of the Senate numbered 4 striking out the following words: "The Secretary of Commerce and Labor is authorized to station the light vessel for which appropriation was made in the act of May 27, 1908, or any other light vessel, at such position in the vicinity of Frying Pan Shoals as he may determine to be most advantageous to navigation," and agree to the same.

That the Senate recede from that part of its amendment numbered 4 which reads as follows: "That the Secretary of Commerce and Labor be, and he is hereby, authorized to purchase a site and to construct a wharf and buildings and purchase the necessary equipment, so far as funds may permit, for a depot for the sixth lighthouse district, at a cost not to exceed $125,000."

KNUTE NELSON,
THEODORE E. BURTON,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

W. C. ADAMSON,
WILLIAM RICHARDSON,
F. C. STEVENS,
Managers on the part of the House.

The report was agreed to.

WHITE RIVER DAM, ARKANSAS.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

KNUTE NELSON,
JONATHAN BOURNE, Jr.,
THOMAS S. MARTIN,
Managers on the part of the Senate.

W. C. ADAMSON,
WILLIAM RICHARDSON,
F. C. STEVENS,
Managers on the part of the House.

The report was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed

to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

WILLIAM RICHARDSON,
WILLIAM A. DICKSON,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 6340) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 3, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

WILLIAM RICHARDSON,
WILLIAM A. DICKSON,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

WILLIAM RICHARDSON,
WILLIAM A. DICKSON,
Managers on the part of the House.

The report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I ask unanimous consent to call up House bill 25069, the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. LODGE. I think an amendment I offered was pending when we adjourned.

The PRESIDENT pro tempore. The Senator is correct. The amendment will be read.

The SECRETARY. On page 159, after line 23, insert:

To enable the Commissioner of Fisheries to investigate the method of fishing known as beam or otter trawling and to report to Congress whether or not this method of fishing is destructive to the fish species or is otherwise harmful or undesirable, $5,000, or so much thereof as may be necessary.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LODGE. I should like to have the report of the committee of the House and the report of the committee of the Senate in regard to the amendment just adopted printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[House Report No. 929, Sixty-second Congress, second session.]

OTTER AND BEAM TRAWLING.

Mr. GREENE of Massachusetts, from the Committee on the Merchant Marine and Fisheries, submitted the following report, to accompany House joint resolution 173:

The Committee on the Merchant Marine and Fisheries, to whom was referred House joint resolution 173, respectfully report the same to the House of Representatives, with the recommendation that the same do pass with the following amendments, viz:

Add, in section 1, line 5, after the word "as," the words "otter and." Also add, in section 3, line 12, after the word "appropriation," the words "not exceeding $7,500."

Amend the title by adding the words "otter and."

Until very recently the American method of catching cod, haddock, and other fish which frequent the bottom of the sea has been very largely carried on by means of set trawls. These trawls are long lines, anchored to the bottom of the sea. On each line large baited hooks are attached at close intervals.

A corporation operating from Boston, Mass., known as the Bay State Fishing Co., has introduced within the last few years powerful steam vessels, known as otter trawlers. Six of these vessels are now operating from the port of Boston. The method of fishing known as otter trawling consists of dragging along the bottom of the ocean a gigantic net, with a mouth from 100 to 150 feet in width, kept open by certain contrivances known as otter boards. It is said that these steam vessels cost about $50,000 to build, while a large-sized fishing schooner, such as is used by the Gloucester fleet, costs in the neighborhood of $15,000 when ready for sea. Besides the otter trawlers operating out of the port of Boston, some similar boats appear to have been operated elsewhere with more or less irregularity. A New York concern known as the Heroine Fishing Co. contemplates extensive operations in the same direction.

In Canada one or two such vessels have begun operations; but the Canadian Government forbids them to fish inside the 3-mile limit, and efforts are being made in Canada to prohibit the landing of fish in her ports caught by otter trawlers in international waters.

On the Grand Banks to the eastward of Newfoundland the French have been operating otter trawlers more or less in the last 10 years. A few years ago as many as 30 French trawlers were operating in those waters, but the number has very largely fallen off. It is said to have been an unprofitable venture on account of the long distance from the French market and for other reasons.

The Committee on the Merchant Marine and Fisheries gave a hearing on H. R. 16457, introduced by Congressman GARDNER of Massachusetts, with a view to forbidding the entry in the ports of the United States of any fish caught by otter trawlers. The committee, however, unanimously decided that an investigation of the whole question must first take place before intelligent action could be taken. Both those who favored H. R. 16457 and those who opposed it agreed that they courted an investigation of the whole matter.

In a general way the opponents of otter and beam trawling base their case on the statement that it is a method of fishing very destructive to fish life. They assert that if otter and beam trawlers are permitted to operate, it is only a question of time when the fishing grounds will be depleted.

Those who oppose H. R. 16457 contend that otter and beam trawling is a vast improvement over older methods, that the New England, Nova Scotia, and Newfoundland methods of fishing are antiquated, and that the people can be supplied with a cheaper food product if otter trawlers are permitted to operate unhampered.

It seems to the committee that the question is of the utmost importance as to whether or not fishing by otter trawls is destructive of the fish species. The matter has been investigated somewhat in Europe, and both sides claim to have found material in the European reports to substantiate their views.

Dr. H. M. Smith, the Deputy Commissioner of the Bureau of Fisheries, was present at the hearings, and stated to the committee that the United States Bureau of Fisheries had given the question a great deal of thought. Dr. Smith expressed the opinion that a satisfactory investigation could be made for $7,500. He suggested that a wise method to pursue in making the investigation would be to detail an employee of the Bureau of Fisheries as an observer for an entire season on board each otter and beam trawler of the Bay State Fishing Co.'s fleet. It is understood that this arrangement would be satisfactory to the Bay State Fishing Co.

In addition to this work of practical observation, the United States Bureau of Fisheries, in case this resolution is adopted, will make a thorough study of all European reports relative to either beam trawling or otter trawling.

[Senate Report No. 903, Sixty-second Congress, second session.]

BEAM OR OTTER TRAWLING.

Mr. JONES, from the Committee on Fisheries, submitted the following report to accompany H. R. 25069:

The Committee on Fisheries, to whom was referred the proposed amendment to the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, to enable the Commissioner of Fisheries to investigate the method of fishing known as "beam or otter trawling" and to report to Congress whether or not this method of fishing is destructive to the fish species or is otherwise harmful or undesirable, $5,000, or so much thereof as may be necessary, having duly considered the same, recommends that it do pass.

The letter of the Secretary of Commerce and Labor, passing upon this proposed amendment, is attached hereto and made a part of this report.

DEPARTMENT OF COMMERCE AND LABOR,
Washington, June 21, 1912.

Hon. WESLEY L. JONES,
Chairman Committee on Fisheries, United States Senate.

SIR: I have the honor to acknowledge receipt of your letter of the 17th instant transmitting a proposed amendment to the sundry civil bill providing for an investigation by the Commissioner of Fisheries of the method of fishing known as trawling. In response to your request for suggestions as to the merits of the amendment and the propriety of its passage, I would state that the question of the destructiveness of this kind of fishing is now being agitated, and the House Committee on Merchant Marine and Fisheries has held hearings on House bill No. 16457 and joint resolution No. 173, both affecting this matter, and it is my understanding that the committee will make a report favoring an investigation as a basis for any legislation that may be found to be desirable, and recommending a special appropriation therefor.

In the opinion of the Commissioner of Fisheries, it is most important that the influence of the trawl fishery on the fish supply be ascertained and proper steps taken to offset its harmful effects, if any, before the industry has attained any large proportions on our coast. There is a tendency toward a marked augmentation of the fleet of steam trawling vessels and the establishment of the fishery in new regions; and if Congress is to take any cognizance of the fishery and apply restrictive or regulating measures, this is the proper time to acquire the necessary

information. Furthermore, the subject has assumed an international status, (1) because of the appearance of foreign (European) steam trawling vessels on the grounds resorted to by American fishermen, and (2) in view of the desire of the Government of Canada and Newfoundland, as informally communicated to our Government, to make an investigation and to enact requisite legislation along the lines adopted by the United States.

The department is therefore in favor of the passage of this amendment. If you desire further information on the general subject of trawling and on the attitude of the Government toward pending legislation, it is suggested that you obtain a copy of the recent hearings before the House Committee on Merchant Marine and Fisheries.

Respectfully,

CHARLES EARL, *Acting Secretary.*

Mr. BORAH. I offer the following amendment, to be inserted after the figures "$37,200," on page 104, line 2.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Idaho will be stated.

The SECRETARY. On page 104, after line 2, insert:

That the failure of a homestead entryman to give notice of election of making his proof as required by the act of June 6, 1912, being an act to amend sections 291 and 297 of the Revised Statutes of the United States, relating to homesteads, shall not in any wise prejudice his rights to proceed in accordance with the law under which such entry was made.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Idaho.

Mr. CULBERSON. I should like to ask the Senator from Idaho if that is not a change of existing law. Is it not legislation?

Mr. BORAH. I presume it is subject to that objection, but before the Senator from Texas raises the point I should like to say a word in behalf of the amendment.

The present Congress passed an act which was approved June 6, 1912, known as the three years' homestead bill. By reason of a clause which was inserted in the act in conference great injury may come to homesteaders through no fault of theirs. I call the attention of the Senator from Texas to this proviso in the act:

Provided, That the Secretary of the Interior shall, within 60 days after the passage of this act, send a copy of the same to each homestead entryman of record who may be affected thereby by ordinary mail to his last known address, and any such entryman may, by giving notice within 120 days after the passage of this act by registered letter to the register and receiver of the local land office, elect to make proof upon his entry under the law under which the same was made without regard to the provisions of this act.

Now, if the homestead entryman does not get his notice—and I am informed that many letters are coming back into the land offices without having been delivered—if the homestead entryman does not get his notice he goes by operation of law under the new law; he has no right to proceed thereafter under the old law, under which he made his entry.

That would not be so bad if it were not for the fact that the new law requires that before proof can be made the homestead entryman shall show that one-sixteenth of his land was cultivated the second year of entry. That is a provision which was not required by the old law. So, if the homestead entryman should not get his notice, it might transpire that he would find himself under the new law absolutely incapable of complying with its terms, and thereby might lose his entry entirely. This ambiguity I am simply seeking to change by saying that his failure to elect shall not deprive him of the right to proceed under the old law.

If this does not go through in this bill, Mr. President, there is no chance for it to pass during the present session. I desire to say to the Senator from Texas and other Senators that it will undoubtedly result in many of these homesteaders being placed in a position where they may forfeit their title without any fault of theirs. I sincerely hope that the amendment may be made so that he may proceed under either law, because no one can possibly be injured if it is so. If it is otherwise, many may undoubtedly be injured. In any event the homesteader may be put to expense and worry. Let us take care not to further embarrass the home builder.

Mr. WARREN. I ask unanimous consent that the amendment may be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON of Maine. I offer the following amendment. On page 90, after line 20, I move to insert:

For the erection of a chapel at the Eastern Branch at Togus, Me., of the National Home for Disabled Volunteer Soldiers, to be used by the inmates for religious worship, the sum of $7,500.

Mr. WARREN. Mr. President, I feel constrained to say that while I would be glad to see those chapels at all points where they are recommended—at great Army posts and at all soldiers' homes—yet if we allow one it means either to differentiate or to allow a very large number of them. We have before the committee applications for some that would cost $30,000 to $40,000 and all the way down to $5,000. I hope we may not place this amendment in the bill, because of the embarrassment it would cause. I hope the amendment may be voted down.

Mr. JOHNSON of Maine. Mr. President, my home is within 21 miles of this branch at Togus, Me. I know something of the conditions there and also from the testimony I know of the capacity of the chapel now there. A small chapel has been erected for the purposes of religious worship which has a seating capacity of about 200.

The chapel is particularly desired by the Catholic veterans in that home, of whom there are seven or eight hundred. A priest has been assigned for their especial benefit to attend to their religious wants at the home. It seems to me that this is not asking anything extravagant.

In reply to what was said by the chairman of the committee, I have to state that it appears from the hearings that a Catholic chapel has been established at all but one of the homes for disabled soldiers in this country besides this one at Togus, and in view of the fact that there are so many there of this religious persuasion I hope the Senator will not urge an objection against including this amendment in the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Maine.

The amendment was agreed to.

Mr. JONES. On page 194, after the words "public buildings" in line 17, I desire to amend by inserting the words "fishery stations," so as to except them from the provision.

Mr. WARREN. That has already been agreed to.

The PRESIDENT pro tempore. That amendment has been already made.

Mr. WARREN. The money for fishery stations is made continuously available.

Mr. JONES. That is all right.

Mr. FLETCHER. Mr. President, on page 60, after line 12, I move to insert the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. On page 60, after line 12, it is proposed to insert:

Fort Taylor Military Reservation, Fla.: For the filling in of the ponds and lowlands of the Fort Taylor Military Reservation, Fla., $50,000.

Mr. WARREN. Mr. President, it is true that item is estimated for, and the committee has been trying to get some further information in reference to it. We have not yet been satisfied about it. I do not raise the point of order against it; it may go in, and we shall look it up in conference.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

Mr. FLETCHER. I desire to say, in connection with that amendment, that this is a matter of some urgency. I will not take up the time of the Senate with any discussion of it, but I should like to have inserted in the RECORD what is found on page 343 of the Estimates for Appropriations required for the service of the fiscal year ending June 30, 1910, under the head "Raising grade of Fort Taylor, Fla."

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

RAISING GRADE OF FORT TAYLOR, FLA.

For filling in the ponds and lowlands in the military reservation of Fort Taylor, Fla., submitted, $50,000.

NOTE.—The present reservation consists of 62.89 acres, and it is proposed to construct a post to accommodate six companies of Coast Artillery.

This estimate is for filling in and raising the level of the present surface, which is very low and a menace to the health of the garrison, owing to lack of drainage, which is impracticable until the surface is raised. The filling in of the ponds is deemed a matter of great urgency, for if a single case of yellow fever were introduced the disease might sweep the island. (J. B. Aleshire, Quartermaster General, United States Army.)

Mr. FLETCHER. I will say further, Mr. President, that this matter has a direct bearing upon the healthfulness of that reservation. It comprises some 62 acres, and there are lowlands in the reservation which are breeding places for mosquitoes. Our health department has often insisted that that was a matter that should be looked after. We have demonstrated that tropical diseases can be annihilated both in Cuba and in Panama, and we must take care of conditions like this in order to prevent trouble of that sort. This is a case where an ounce of prevention is worth many pounds of cure. The amendment is recommended by the War Department, and I hope it will not be put in the bill as a mere formality, but that it will stay there.

I now offer another amendment, to come in on page 19, line 16.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. On page 19, at the end of line 16, it is proposed to insert:

And the limit of cost of said building as heretofore fixed by Congress is hereby increased $25,000, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of said building within said limit of cost as thus increased.

Mr. WARREN. I make the point of order against that amendment. This bill does not undertake to change the law in regard to public buildings. The regular public-building laws provide the limit of cost, the same as in the case of the river and harbor appropriation bill. This bill simply carries appropriations under the law. I make the point of order against the amendment that it is general legislation, that it is not estimated for, and is not recommended by any committee.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. FLETCHER. I should like to put in the RECORD a letter from the Assistant Secretary of the Treasury in reference to this matter; and, of course, I have nothing further to submit.

The PRESIDENT pro tempore. In the absence of objection, permission to do so will be granted.

The letter referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF ASSISTANT SECRETARY,
Washington, July 17, 1912.

Hon. DUNCAN U. FLETCHER,
United States Senate.

SIR: In further reference to the letter addressed to you by this department under date of the 15th instant in answer to your letter of July 3 regarding the proposed new post-office building authorized to be erected at St. Petersburg, Fla., and referring to your personal inquiry regarding the requirements of the post-office business in that town, I have the honor to inform you as follows:

The postmaster in St. Petersburg has recently visited this department and has explained to the Post Office Department the peculiar conditions obtaining at that point. It appears that at certain times of the year the normal population is increased by an influx of tourists to the number of some 20,000 and that at times as many as 1,000 people crowd the post-office lobbies for mail. With 800 post-office boxes now rented there is a waiting list of 100 people who can not be supplied with boxes, and a fair estimate of a proper box equipment for the new building would be a thousand. This requires an unusually long post-office screen, and consequently a long lobby and increased floor area. The increase in ground area for the entire building now required is about 30 per cent over that originally reported. To meet this increase in size it is estimated that $85,000 should be available for the building, as stated to you in letter of July 15, but by keeping the design very simple and taking advantage of all possible economies of construction it is believed that the building could be constructed for $80,000; that is, an increase in the limit of cost of $25,000.

Respectfully,

R. O. BAILEY, *Assistant Secretary.*

Mr. JONES. I desire to submit an amendment to come in on page 125, line 9, after the word "penitentiary." I understand the amendment recommended by the committee at that point, striking out the proviso, was adopted.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. After the word "penitentiary," in line 9, on page 125, it is proposed to insert the following:

Penitentiary, McNeil Island, Wash.: For continuing construction of the United States penitentiary, McNeil Island, Wash., to be available until expended, all of which sum shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary, $25,000.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. WARREN. Just a moment.

Mr. JONES. I will say that that has been estimated for by the department.

Mr. WARREN. Well, I will ask that it be again stated in order to ascertain whether the amendment follows the language of the law.

Mr. JONES. I tried to follow the language of the law.

Mr. CULBERSON. I will ask the chairman of the committee if there was any estimate made for this purpose.

Mr. WARREN. There is an estimate for it, but I wish to see if the language corresponds with the law.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. Let the amendment be inserted following line 11, on page 125.

The PRESIDENT pro tempore. That is where it will be placed.

Mr. SMITH of Arizona. Mr. President, I submit the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Arizona will be stated.

The SECRETARY. On page 107, line 13, after the sum "$5,000," at the end of the line, it is proposed to insert:

The Yuma irrigation project in Arizona, on final settlement with the Government shall be credited, and is hereby credited, with the full sum of money heretofore paid out of the reclamation fund for levees and revetment work on the eastern side of the Colorado River, in Yuma County, Ariz.

Mr. WARREN. Mr. President, that is a matter of general legislation.

Mr. SMITH of Arizona. I confess that it is; but I should like in connection with it, if the chairman would refrain from making the point of order, to make a mere suggestion.

Mr. WARREN. I have not made the point of order, and should be glad to hear from the Senator from Arizona briefly on the merits of the case.

Mr. SMITH of Arizona. On the Colorado River just south of the town of Yuma, as we all remember, a break in the river caused the overflow of the Imperial Valley of California. The Government spent several million dollars in protecting the Imperial Valley by the erection of sufficient levees to hold the river within its channel. On the Arizona side of the river the lowlands were also flooded by this river when the levee was raised on the California side. So, for the purposes of protection, on that project from the irrigation fund—which the farmers themselves have to pay—they took out a sum amounting to something over $700,000 and charged it to the irrigation project. The work on the California side of the river was paid for by the Government, while on the Arizona side the farmers upon that project were required to pay this vast amount of money. My amendment looks to the credit in the final settlement with the Government of the amount they have paid, or will have to pay, out of their poor, small holdings there. That is the purpose of my amendment.

Mr. BORAH. May I ask for the rereading of the amendment?

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary again read the amendment.

Mr. BORAH. Mr. President, do I understand that the amount of $700,000, which was used for the purpose of protecting the river banks upon the opposite side of the stream, was charged or is being charged up to the settlers upon the project?

Mr. SMITH of Arizona. The Government paid for the California side of the stream out of Government funds. The river was pushed over onto the Arizona side, and a levee was necessary there to protect the lands included in the irrigation project on the Arizona side of the river. In order to do that the Reclamation Service took from the reclamation fund of that project this amount of money and built the levee. I do not think that it is a just charge against the farmers and settlers on that project, and in the final settlement and adjudication of the matter I desire provision made so that these people may have allowed as a credit their claims against the Government to the amount of money so expended.

Mr. BORAH. Was the amount expended for the purpose indicated and the work which was done a necessary part of the construction of the reclamation project?

Mr. SMITH of Arizona. No, sir; but I will confess that it was very essential to the project. The Government, however, owed it as much there as it did on the other side. Protection on both sides of the river was absolutely essential to the irrigation project.

Mr. SMOOT. Do I understand the Senator to say that the Government spent the money for revetment work on the Mexican side?

Mr. SMITH of Arizona. On the California side.

Mr. SMOOT. I beg the Senator's pardon. I understood him to say the Mexican side.

Mr. SMITH of Arizona. I meant to say the California side.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. WARREN. I appreciate the difficulties in Arizona growing out of the overflow of the Colorado River, but we can not accept matters of that kind on an appropriation bill. We have not the figures before us; we have no estimate, and therefore I make the point of order that the amendment is general legislation.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wyoming withhold the point of order for a moment?

Mr. WARREN. Certainly.

Mr. ASHURST. Mr. President, in addition to what my colleague [Mr. SMITH] has said, I feel certain if it were known by the Senate that the revetment work and the building of levees upon the Colorado River have been done for the purpose of holding within its channels a river which is not only interstate but international in character, this relief would be granted. The river for some miles divides the State of Arizona from a portion of the Republic of Mexico. As my colleague has said,

and as has been observed by the Senator from Idaho [Mr. BORAH], the farmers, water users, and landowners have been bearing the burden of controlling a river which is international in character. It would be unprecedented in American history to require the two or three hundred farmers in that portion of the State to have charged up against their lands the cost of keeping a raging international river within its bounds.

Mr. SMITH of Arizona. And a navigable river, too.

Mr. ASHURST. And a navigable river. To require those farmers to bear this burden is so palpably unjust that it is shocking to contemplate. No sense of propriety, fairness, or justice would require those farmers to pledge their lands to the amount of $7 or $8 per acre, or any other sum, for the purpose of holding within its banks a river which, as I have said, is not only interstate but international in character, and especially when the stream to be controlled is a navigable river.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Idaho?

Mr. ASHURST. Certainly.

Mr. BORAH. Mr. President, I was going to ask the Senator when will the adjustment and final accounting likely take place?

Mr. ASHURST. The amendment provides that when final settlement is made with the Government the farmers shall be credited with the amount expended for levees and revetment work.

Mr. BORAH. What I want to know is whether or not the accounting is likely to take place shortly?

Mr. WARREN. Mr. President, if the Senator from Arizona will permit me, I have a large share of sympathy with the people in that locality on account of the conditions down there, and, so far as I am advised, I would be glad in the regular way to take the matter up and examine it, but we can not include it in a bill of this kind.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. Certainly.

Mr. WORKS. Mr. President, the problems presented by the conditions on the Colorado River are very serious. I have had occasion, through the committee, to endeavor to secure an amendment to this bill founded upon the recommendation of the Secretary of the Interior and a special message of the President of the United States, to make improvements on the river that would protect the California side as well as the Arizona side. I think the whole problem as affecting both sides of the river ought to be taken up and worked out in such a way as to protect the vast interests that are threatened by the overflow of the river and the submerging of great sections of land there that are immensely valuable. The committee did not feel, when the matter was presented to it, that it could take it up in this way, and I have submitted to that ruling of the committee; but I want to take this occasion to say that both the committee and Congress should keep this matter in mind, because it is a serious and urgent matter that ought to be given attention by Congress at the proper time and in the proper way.

The PRESIDENT pro tempore. The Senator from Wyoming makes the point of order against the amendment. The point of order is sustained.

Mr. OVERMAN. Mr. President, I send forward an amendment which I desire to offer. I will say that it does not ask for an appropriation and is recommended by the Secretary of the Treasury.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 24, line 2, after the sum "$80,000," it is proposed to insert the following:

And that so much of the act of Congress (Public Building Act) approved June 25, 1910 (36 Stat. U. S., 693), as authorized the Secretary of the Treasury to begin the construction of a suitable and adequate fireproof addition to the present Federal building at Winston Salem, N. C., etc., be, and the same is hereby, amended so as to authorize also all necessary changes in, and alterations and repairs of, said old Federal building, and of the heating, ventilating, and plumbing systems and elevators therein which may become necessary by reason of or incident to the extension or enlargement of said building, or which it may be found expedient or advisable to make to such old building and the heating, ventilating, and plumbing systems and elevators because of and in connection with the enlargement, extension, remodeling, or improvement of said old building; and the annual appropriations for the general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for all other repairs and equipment of said building, grounds, and approaches, and the heating, hoisting, plumbing, and ventilating apparatus thereof.

Mr. WARREN. Mr. President, I had occasion to look that up, the Senator having introduced it in the regular way. I desire to ask the Senator if he has investigated to know whether the amendment in any way involves the expenditure of any more money or raises the limit of cost for the building?

Mr. OVERMAN. It does not, Mr. President. The Secretary of the Treasury prepared the amendment himself and sent it down here before I knew anything about it and urged its passage. He said the Comptroller of the Treasury had ruled that under the existing act they could not tear down part of the old building in order to join the new building to it unless specific authority is granted.

Mr. WARREN. This amendment supplements the legislation which provided for the tearing down and the rebuilding.

Mr. OVERMAN. And the rebuilding.

Mr. WARREN. And this makes it applicable.

Mr. OVERMAN. The bill provided for the erection of an addition to this old Federal building, but under the language of the statute the Secretary of the Treasury can not tear down part of the walls in order to connect the new building with the old.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OVERMAN. I should like to insert in the RECORD, with the permission of the Senate, the letter of the Secretary of the Treasury relating to this matter.

The PRESIDENT pro tempore. Without objection, that order is made.

The letter referred to is as follows:

DECEMBER 7, 1911.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

SIR: I have the honor to invite your attention to the public-building act of June 25, 1910 (36 Stats., 693), which contains the following provision in regard to the Federal building at Winston Salem, N. C.:

"That for the purpose of beginning the construction of a suitable and adequate fireproof addition to the present Federal building and the acquisition of additional ground for the accommodation of the United States post office and other governmental offices at Winston Salem, N. C., $50,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said enlargement and additional ground at the sum hereby named, but the enlargement hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and additional ground not exceeding $250,000.

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, said additional ground and to enter into contracts for the construction of said enlargement within the ultimate limit of cost herein fixed: *Provided*, That of the said amount fixed as the ultimate limit of cost not to exceed $50,000 may be expended during the fiscal year ending June 30, 1911."

Under the holdings of the department's legal advisers as to the purport of the language above quoted, it is doubted whether the terms of this provision are broad enough to authorize the changes, alterations, improvements, and repairs of the present Federal building at Winston Salem which are either necessitated by said enlargement or deemed advantageous and economical to the Government to have done at the time said extension is constructed. It is therefore recommended that the existing legislation be so amended as to authorize specifically the changes, alterations, improvements, and repairs above mentioned.

I submit a tentative draft of an amendment for the purpose referred to which, it is believed, would be sufficient to cure the difficulty in question:

"*Be it enacted, etc.*, That so much of the act of Congress (public-building act) approved June 25, 1910 (36 Stats. U. S., 693), as authorized the Secretary of the Treasury to begin the construction of a suitable and adequate fireproof addition to the present Federal building at Winston Salem, N. C., etc., be, and the same is hereby, amended so as to authorize also all necessary changes in, and alterations and repairs of, said old Federal building, and of the heating, ventilating, and plumbing systems and elevators therein which may become necessary by reason of or incident to the extension or enlargement of said building, or which it may be found expedient or advisable to make to such old building and the heating, ventilating, and plumbing systems and elevators because of, and in connection with, the enlargement, extension, remodeling, or improvement of said old building; and the annual appropriations for the general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for all other repairs, etc., and equipment of said building, grounds, and approaches, and the heating, hoisting, plumbing, and ventilating apparatus thereof."

Respectfully. FRANKLIN MACVEAGH, *Secretary.*

Mr. JONES. I offer an amendment to come in on page 116.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 116, after line 13, it is proposed to insert the following:

Medical relief of natives of Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, rental, and equipment of hospital buildings; for books and surgical apparatus; for pay and necessary traveling expenses of physicians, nurses, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, to be immediately available, $70,000.

Mr. WARREN. The committee has very carefully considered the matter. There is $200,000 in this bill to cover that and the accompanying expenses. There are very many good people who seek to take care of the Indians in Alaska, and all of us feel sympathy for them, but they are overdoing the matter, I think, and I hope the amendment will not be agreed to.

Mr. JONES. Mr. President, I desire to say that while there is $200,000 appropriated in this bill, it is for educational purposes in Alaska, and the money can not be used for the purposes indicated in the amendment.

Mr. WARREN. It is already being used for that, as the report shows.

Mr. JONES. The report of the Commissioner of Education says:

Under the comptroller's decision, to which reference has been made, the Bureau of Education can not, according to the language of the appropriation, erect hospitals in Alaska.

Mr. WARREN. When it comes to erecting buildings, that is possibly so.

Mr. JONES. This is largely for the erection and maintenance of buildings, and is estimated for by the Secretary in a letter under date of January 23, 1912. I desire to call attention to the report of the Commissioner of Education, in which he says:

I therefore earnestly recommend that Congress be requested to appropriate the sum of $70,000 in order to enable the Commissioner of Education, subject to the approval of the Secretary of the Interior, to furnish medical and sanitary relief to the natives of Alaska and to establish sanitary conditions in the native villages.

The commissioner sets out in detail the purpose for which this money already in the bill is to be used.

Juneau Hospital, rental and maintenance, $3,000.

And then he gives the various other items.

The Commissioner of Education is very strongly in favor of this legislation and urges the necessity for it, and he quotes from the report of Dr. Foster, which I desire to read to the Senate:

Dr. Foster's report emphasizes the fact, which has been set forth for years *past in the* reports of the governor of Alaska, of the teachers of United States public schools in Alaska, of medical officers of the Government serving on revenue cutters in Alaskan waters, and of officers of the Army stationed in Alaska, that the checking of disease among the natives of Alaska is an urgent national duty.

Then he quotes from the report of the governor urging an appropriation of this character, and unless the Senate should adopt the amendment I have offered it seems to me we ought to expressly provide that of the $200,000, to which the chairman of the committee has referred, a certain portion shall be used for this purpose, because it seems to me that the stamping out of disease and holding in check disease among the natives of Alaska is really of far greater importance than education, important as that is.

I trust the Senate will adopt the amendment.

Mr. WARREN. Mr. President, it is true that the Commissioner of Education desires this appropriation. It is true also that the Commissioner of Education desired more than twice as much money as heretofore appropriated for his department here in Washington. It is true the amount has been asked for, as testified by Dr. Foster, but there must be a line somewhere between proper expenditures and extravagant expenditures, and I think we are traveling entirely too fast in some directions.

If we take our revenues, on the one hand, and then take the necessities, and sum them all up together and strike an average line, we can not justify these extravagant new appropriations.

I speak in the interest of economy, and I hope the amendment will not be adopted.

Mr. JOHNSTON of Alabama. Mr. President, I desire to say that I hope the amendment will prevail, because I fully investigated the conditions in Alaska as well as I was able. The condition of the people in that country is distressing, and some relief should be given. I hope very much the Senate will adopt the amendment.

Mr. SMITH of Michigan. Mr. President, there may be some good reason why this item ought not to go on the pending bill, but the reason has not been advanced by the Senator from Wyoming [Mr. WARREN], who says that a good many misguided people are overdoing the matter.

Mr. WARREN. I think the Senator from Michigan is mistaken in saying that I used the word "misguided."

Mr. SMITH of Michigan. That a good many people, then, are overdoing the matter.

Mr. WARREN. Yes.

Mr. SMITH of Michigan. And that we are traveling too fast. We can not travel too fast in the direction indicated by this amendment.

The truth is that we have neglected the people of Alaska long enough, and the testimony as to the rate of mortality in Alaska, if presented to the Senate, would be shocking. The truth is we ought to do more than we have ever done, and the amendment is in the right direction. It is meritorious; the money will not be wasted if applied in this manner.

I hope the Senate may, either upon this bill or at some other appropriate time before this session adjourns, do something to relieve those people from the dreadful conditions which surround them.

Mr. WORKS. Mr. President, it was intimated by the chairman of the committee that some other provision had been made which would take care of this condition. I should like to know whether that is correct or not.

Mr. WARREN. On page 115, under the head of "Education in Alaska," they group this matter with the education. There is $200,000 appropriated for it, and the testimony before us gave the committee the particulars as to how it is used. It is a matter that was not overlooked by the committee. They took up these supplications from individuals and the report from the department, and the conclusion was that the $200,000 was sufficient to take care of the health and of the education as provided here. The $200,000 is only one of the appropriations for Alaska. There is $60,000 appropriated for the care of the insane, and other amounts for other purposes.

Personally I feel great interest in Alaska. I think all of us ought to feel a great interest in it. I believe we ought to be liberal. But because it is far away and because we have great sympathy with those people I think we ought to leave these matters to those who have them in charge as a matter of duty, rather than to assume the general attitude that we can not give Alaska too much. I feel as if we had appropriated sufficiently in the bill, and that it is not economy, but extravagance, to add anything to it.

Mr. WORKS. I wanted to be informed on that subject. If the present provision is not sufficient, I am thoroughly in sympathy with the amendment. At the same time, if those people have been provided for already, I think we ought not to indulge in extravagance.

Mr. JONES. The provision the chairman referred to—and there is nothing in this bill which authorizes the use of the money for the purposes proposed in this amendment—is as follows:

Education in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the education and support of the Eskimos, Aleuts, Indians, and other natives of Alaska.

Here is the further specification showing for what the $200,000 shall be used:

For erection, repair, and rental of school buildings; for textbooks and industrial apparatus; for pay and necessary traveling expenses of general agent, assistant agent, superintendents, teachers, physicians, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, $200,000.

That is the provision with reference to the $200,000.

Mr. WORKS. If it be true, as stated by the chairman, that the $200,000 will be sufficient for the purpose, it seems to me the Senator from Washington might reach what he desires by including this particular matter within the appropriation of $200,000 instead of asking for an additional appropriation.

Mr. JONES. The department has sent down an estimate of $200,000 for the purposes I have specified in my amendment, indicating that the provision in the bill does not cover the purposes specified in the amendment. They evidently considered that $200,000 is necessary for the purposes indicated in the bill, and that to carry out the purposes of the amendment they need an additional amount.

Mr. WORKS. The committee seem to have determined that it will be sufficient for all purposes.

Mr. JONES. If it will be, I would not desire any more money. If the chairman of the committee is satisfied that the $200,000 will cover the purpose specified in the bill as well as those specified in the amendment, I shall be content if a provision is put into the bill to authorize the use of a part of the $200,000 for this purpose, as specified in the amendment. Then I will be willing to withdraw the amendment and offer another giving authority to use a part of the $200,000 for the purposes stated in the amendment.

Mr. WARREN. This $200,000, according to the testimony given before the committee by those who represent the matter, will not, of course, build all new hospitals. It will provide temporarily, but it will not go into the building of a lot of new hospitals.

Mr. JONES. Does the Senator say that the repair of hospitals comes under that provision?

Mr. WARREN. So far as all other expenses are concerned, if we can believe the testimony, and if we can take the example of what they are doing now, it does provide for it. But the estimate the Senator from Washington speaks of was intended to greatly enlarge existing and to build new hospitals, which, of course, is another matter, and I think it ought to be considered in a different way.

Mr. JONES. I desire to say that in the statement submitted by the Bureau of Education they do not provide in an extravagant way for hospitals. Here it is:

Juneau Hospital, rental and maintenance	$3,000
Nushagak Hospital, rental and maintenance	3,000
Nulata Hospital, equipment and maintenance	3,000
Nome Hospital, equipment and maintenance	3,000

And so it goes. They are small hospitals, for the purpose of doing for the natives of Alaska what the Senator from Michigan has set out, and it does seem to me that the Senate should provide for the conditions there and take care of the natives.

I hope the amendment will be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington. [Putting the question.] The Chair is in doubt.

Mr. KENYON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). Being paired with the senior Senator from Maryland [Mr. RAYNER], I withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from West Virginia [Mr. CHILTON]. If at liberty to vote, I should vote "yea."

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. As I do not see him in the Chamber I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA] and therefore withhold my vote.

Mr. PENROSE (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. WILLIAMS]. I transfer it to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN] and therefore withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. WETMORE (when his name was called). I am paired with the Senator from Arkansas [Mr. CLARKE] and therefore withhold my vote.

The roll call was concluded.

Mr. BURNHAM. I am paired with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. BRANDEGEE. I am paired with the junior Senator from New York [Mr. O'GORMAN]. Has that Senator voted?

The PRESIDENT pro tempore. The Chair is advised that he has not voted.

Mr. BRANDEGEE. I therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. HEYBURN (after having voted in the affirmative). I am informed that the Senator from Alabama [Mr. BANKHEAD] with whom I am paired would vote "yea,' if present. So I desire to vote. I vote "yea."

Mr. WATSON. I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], which I transfer to the junior Senator from Montana [Mr. MYERS], and will vote. I vote "yea."

Mr. SMITH of South Carolina. I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Maine [Mr. GARDNER], and will vote. I vote "yea." I should like to have the announcement stand for the day.

Mr. MARTINE of New Jersey. I have been requested to announce the pair between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS]. I ask that the announcement stand for the day.

Mr. WATSON. I desire to announce the absence of my colleague [Mr. CHILTON] on account of illness.

Mr. WATSON (after having voted in the affirmative). The Senator from Montana [Mr. MYERS] having voted, I withdraw my vote.

The roll call resulted—yeas 28, nays 28, as follows:

YEAS—28.

Ashurst	du Pont	McLean	Reed
Bacon	Fall	Martin, Va.	Smith, Mich.
Bourne	Fletcher	Martine, N. J.	Smith, S. C.
Bryan	Heyburn	Myers	Swanson
Burton	Johnston, Ala.	Newlands	Thornton
Chamberlain	Jones	Percy	Tillman
Dillingham	Lodge	Pomerene	Townsend

NAYS—28.

Borah	Gronna	Overman	Smith, Ariz.
Bristow	Guggenheim	Page	Smith, Ga.
Catron	Kenyon	Paynter	Smoot
Crawford	McCumber	Penrose	Stephenson
Culberson	Massey	Perkins	Sutherland
Cummins	Nelson	Shively	Warren
Gallinger	Oliver	Simmons	Works

NOT VOTING—38.

Bailey	Clarke, Ark.	Hitchcock	Richardson
Bankhead	Crane	Johnson, Me.	Root
Bradley	Cullom	Kern	Sanders
Brandegee	Curtis	La Follette	Smith, Md.
Briggs	Davis	Lea	Stone
Brown	Dixon	Lippitt	Watson
Burnham	Foster	O'Gorman	Wetmore
Chilton	Gamble	Owen	Williams
Clapp	Gardner	Poindexter	
Clark, Wyo.	Gore	Rayner	

The result having been announced—yeas 28, nays 28—the amendment was declared carried.

The PRESIDENT pro tempore subsequently said: The Chair calls the attention of the Senate to the fact that on the vote upon the amendment submitted by the Senator from Washington [Mr. JONES] there was a mistake in the recapitulation, and it appears that 28 Senators voted in the affirmative and 28 in the negative.

Mr. OVERMAN. I change my vote, then.

Mr. WARREN. The amendment is lost on that statement. That exactly tallies with the tally of the clerk of the committee here at my side.

Mr. JONES. I understand that the Senator from North Carolina desires to change his vote.

The PRESIDENT pro tempore. It is too late for a vote to be changed.

Mr. LODGE. If it is not too late to correct the record, it is not too late to change a vote.

Mr. OVERMAN. Unless I get unanimous consent to change my vote, I will move to reconsider the vote by which the amendment was agreed to.

The PRESIDENT pro tempore. The Senator from North Carolina moves to reconsider the vote by which the amendment was agreed to. That motion is in order.

Mr. OVERMAN. I say unless unanimous consent is given me to change my vote I will move to reconsider.

The PRESIDENT pro tempore. The Senator from North Carolina moves to reconsider the vote by which the amendment was agreed to. The question is on agreeing to the motion to reconsider.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. The question now is upon the amendment submitted by the Senator from Washington.

The amendment was agreed to.

Mr. JONES subsequently said: Mr. President, I ask to have printed in the RECORD in connection with the amendment regarding relief for natives of Alaska the marked portion of the letter of the Secretary of the Treasury transmitting the estimate.

The PRESIDENT pro tempore. Without objection, permission is granted.

The matter referred to is as follows:

Dr. Foster's report emphasizes the fact which has been set forth for years past in the reports of the governor of Alaska, of the teachers of United States public schools in Alaska, of medical officers of the Government serving on revenue cutters in Alaskan waters, and of officers of the Army stationed in Alaska, that the checking of disease among the natives of Alaska is an urgent national duty. In his annual report for 1911, the governor of Alaska repeats the following statement, which appeared in his report for 1910:

"The existence of infectious diseases, alarming in their nature and wide prevalence among the native people, calls for vigorous action. The menace of infection extends to the white inhabitants, for there are Indians, Eskimo, or Aleut villages in the immediate neighborhood of nearly all the principal towns, and the natives mingle freely among the white in public places. The conditions have certainly not improved since 1908, when, in southeastern Alaska, a physical examination being made by one of the school physicians of 1,161 natives, 418, or 36 per cent, were found to be affected with tuberculosis, and 308, or 26 per cent, were found to be affected with venereal diseases. Among other diseases prevalent in southeastern Alaska, as well as in several other parts of the Territory, are trachoma and conjunctivitis; and in the Alaska Peninsula are several cases, which, after long and careful examination, are strongly suspected to be leprosy.

"There is no law which requires the natives to observe any of the ordinary rules of sanitation, and their unfortunate condition is often traceable directly to the filthy condition of their villages and the dwellings in which they live. Yet these people are generally respectful of the law, and a simple set of statutory requirements imposing a mild penalty for nonobservance would unquestionably cause a great improvement in sanitary conditions. The welfare of the white inhabitants, as well as that of the natives, demands such a law."

Realizing the absolute necessity for action, the Bureau of Education, under a favorable decision from the Comptroller of the Treasury, is using $25,200 of the appropriation for the education of natives of Alaska, 1912, in endeavoring to furnish medical relief to the natives of Alaska. It has established small hospitals for natives in rented buildings in Juneau and Nushagak; it employs five physicians and five nurses and has furnished medical supplies and manuals to the teachers

of the United States public schools in order to enable them to treat minor ailments, and it is doing what it can to introduce sanitary methods of living into the native villages. Under the comptroller's decision, to which reference has been made, the Bureau of Education can not, according to the language of the appropriation, erect hospitals in Alaska.

The use of part of the appropriation for the education of the natives of Alaska for the suppression of disease is an emergency measure. The entire appropriation for education in Alaska is urgently needed in order to provide adequate educational facilities and for the industrial development of the native population, and it should not be diminished.

I therefore earnestly recommend that Congress be requested to appropriate the sum of $70,000 in order to enable the Commissioner of Education, subject to the approval of the Secretary of the Interior, to furnish medical and sanitary relief to the natives of Alaska and to establish sanitary conditions in the native villages.

The following is an estimate of the expenditure of the appropriation desired:

Juneau Hospital, rental and maintenance	$3,000
Nushagak Hospital, rental and maintenance	3,000
Nulato Hospital, equipment and maintenance	3,000
Nome Hospital, equipment and maintenance	3,000
Kotzebue Hospital, equipment and maintenance	3,000
Physician, southeast district, salary	1,800
3 nurses, southeast district, salaries	3,600
Physician, southwest district, salary	1,800
2 nurses, southwest district, salaries	2,400
Physician, Kuskokwim district, salary	1,800
Physician, Yukon district, salary	1,800
Nurse, Yukon district, salary	1,200
Physician, Nome district, salary	1,800
Nurse, Nome district, salary	1,200
Physician, Kotzebue district, salary	1,800
Nurse, Kotzebue district, salary	1,200
Medicines	4,000
Traveling expenses of Public Health and Marine-Hospital Service surgeon	1,500
Traveling expenses of physicians, nurses, and patients	2,100
Contract hospital, Seward or Valdez	2,000
Contract doctors	1,000
Sanitarium, erection and equipment	12,000
Sanitarium, maintenance and salaries of attendants	12,000
Total	70,000

Upon the request of the Secretary of the Interior, the Secretary of the Treasury has expressed his willingness to detail to Alaska an officer of the Public Health and Marine-Hospital Service, who, in addition to his duties as representative of the Public Health and Marine-Hospital Service, shall supervise all measures for the medical and surgical relief of the natives of Alaska, and where necessary in such work prescribe in the native villages measures to prevent the spread of disease, act as instructor to the teachers of the United States public schools in Alaska in all matters pertaining to the sanitary education of the natives, give instructions to teachers in first aid to the injured or sick, and act in a general advisory capacity to the superintendent of education of natives of Alaska in all matters pertaining to sanitation, hygiene, maintenance of hospitals, and other matters of like character.

If the appropriation requested above is granted, it is proposed that it shall be expended under the immediate supervision of said officer of the Public Health and Marine-Hospital Service.

Very respectfully,

P. P. CLAXTON, *Commissioner.*

Mr. CHAMBERLAIN. I desire to offer an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 22, after line 2, insert:

Albany, Oreg., post office: For additional cost of building, $10,000.

Mr. CHAMBERLAIN. Mr. President, in reference to the amendment, I desire to submit that $65,000 was appropriated for the post-office building and the site. Ten thousand dollars of the amount was expended for the site and $55,000 was left for the erection of the building. After a building costing $55,000 had been determined upon, for the post office only, the Secretary of Agriculture asked that the building might be enlarged for the purpose of accommodating his force there. He has people in the Forestry Service there, and he asked to have it increased from the original size, making it a two-story building instead of one story.

The Supervising Architect advertised for bids, and the cost of construction ran a little above the amount of the appropriation. The bids have not been rejected, but it has been in statu quo in the hope that Congress might appropriate enough to erect a building large enough not only to accommodate the post-office authorities, but the authorities of the Agricultural Department.

I hope the Senate may be willing to admit this amendment to the bill, so that the building may be erected for both purposes.

In addition to that, since 1910 the town has grown quite considerably, so that even as a post-office proposition the building would be hardly large enough, and certainly it is not large enough for post-office purposes and for the purposes of the Forestry Service.

Mr. WARREN. Mr. President, this represents a case that is similar to a good many. In fact, the whole line of public buildings has seemed to be subject to conditions of this kind. The system of constructing general public buildings for some years has been, on the Senate side, that bills were passed individually, providing for one building in each bill, and then sent to the House; and the House, when ready to take up the public-building bills, has placed them in a so-called omnibus bill. Finally they have gone through in the usual way, with the limit expressed in every case, just as the limit is expressed in the matter of river and harbor improvements. After that the appropriations have been carried in the sundry civil appropriation bill in such amounts from time to time as the department recommends, going up to and not beyond the limit.

Undoubtedly there will not be at this session an omnibus public-buildings bill. I am very sorry there was not such a bill sent over here to cover what I might call the shortages—that is to say, where the circumstances are as they are in the town of Albany, in Oregon. There are some cases that are even much more urgent than the case the Senator from Oregon has stated, and his is urgent. But the committee could not consider them because, in the first place, it is trenching not only upon the duties but upon the rights and privileges of another committee. The Committee on Public Buildings and Grounds has jurisdiction as to the limit of cost of these buildings. We have no estimates for them. It is really changing the law. If the Senator will reflect he will see that the Committee on Appropriations would simply be swamped and overcome all the time by these additions for rivers and harbors and public buildings.

Therefore I shall have to make a point of order against the amendment.

Mr. CHAMBERLAIN. Mr. President——

Mr. WARREN. I shall withhold it for the Senator.

Mr. CHAMBERLAIN. In this connection permit me to say that when the Senator states there has been no estimates, as a matter of fact before the appropriation was made an estimate as to the cost of the building was made by the officials from the Treasury Department. The trouble does not rest, Mr. President, with the citizens of the places who are asking that these appropriations be made, but the trouble lies with Congress. When an appropriation is made for a public building the estimates have been made by the Treasury Department, and Congress assumes to know more about it, usually, than either the officials of the Treasury Department or the people themselves of the town.

So it was in this case. Here was a case where the Treasury Department determined that it would cost $75,000 to put up a public building for the post office alone; $10,000 was expended for the site. Congress comes in and appropriates less than the amount estimated for by the Treasury Department and less than the amount demanded by the people of the city.

In the face of that, and after the Secretary of Agriculture comes in and asks that this building be utilized not only for the post-office authorities but in order to accommodate his department, it seems to be an unbusinesslike proposition at least to say that we will not only not give you enough to construct a building to accommodate the Agricultural officials, but we will not give you enough to complete the post-office building in accordance with the original design of the Treasury Department.

I think there is a difference between this case and many of the cases that are pending before the committee. It seems to me to be extremely bad business policy for the Government of the United States to now permit a building to go on and be completed, in the face of what the Supervising Architect says and in the face of what those say who know the situation as it exists, on the ground that it is absolutely too small to accommodate the post-office business alone, to say nothing of the service of the Agricultural Department, too. So Congress must be called upon in a very short time at least to tear down the building, as was done in one of the North Carolina cases, and erect one that will accommodate the Post Office Department and accommodate the Agricultural officials as well.

I do hope the Senate will permit the addition of this small amount, because, as I said a while ago, the bids have been received and are on file in the Treasury Department, and everything is awaiting the action of Congress, with reference to this small appropriation.

Mr. DU PONT. I should like to ask the Senator from Oregon what is the additional amount asked for.

Mr. CHAMBERLAIN. Only $10,000.

Mr. WARREN. It is not a matter of $10,000 alone.

The PRESIDENT pro tempore. In view of the statement made by the Senator, that it has been estimated for, the Chair will hear the chairman on that point.

Mr. WARREN. It has not been estimated for in the regular way. What the Senator means by an estimate is the original statement from the Treasury Department, which goes from the architect's office to the Committee on Public Buildings and Grounds, stating about what certain buildings will cost, but not requesting appropriations. That has nothing to do with the regular annual estimates which come up to the Committee

on Appropriations from the Secretary of the Treasury, which ask in terms for appropriations under the law and which are recognized under the Senate rules.

I sympathize most fully with the situation in regard to that building, but it is not as bad as a number of others. There are buildings all completed, except some of the inside finishings, that can not be completed and occupied until they have larger appropriations. I hope that early in the next session a bill will come, as one usually does, from the House covering these shortages or raising the limit upon certain public buildings needing to be thus provided for.

The Senator from Oregon has made a good case so far as the necessities of the building are concerned, but I have in mind more than a dozen, probably over 20, which have been before the committee to be considered; but they ought not to be considered in this bill. They can not be considered in this bill under the rule.

The PRESIDENT pro tempore. In view of the fact that an estimate has not been made in the regular way, the Chair feels constrained to sustain the point of order.

Mr. CHAMBERLAIN. In connection with what I have had to say, I desire to submit a copy of a letter from the secretary of the Chamber of Commerce of Albany, Oreg., and I ask to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALBANY COMMERCIAL CLUB,
Albany, Oreg., January 24, 1912.

Hon. GEORGE E. CHAMBERLAIN,
Washington, D. C.

MY DEAR SIR: I have submitted your recent letter in relation to the Federal building, and also one received from Senator BOURNE, to our club, and after full discussion it was decided unanimously that it would be best to ask our delegation to work for an increase in the appropriation sufficient to erect the proposed building according to the enlarged plans adopted by the department.

Before the bill was introduced the Supervising Architect looked into the matter thoroughly and basing his action upon all information available and taking into consideration the needs of the Government service and allowing for a reasonable increase, he reported in favor of a one-story and basement building of 48,000 square feet area, to cost $85,000; but when the bill was passed the appropriation was cut to $65,000; then $10,000 of this was invested in the site, leaving $55,000 in the fund for the building. Before the plans were drawn the Secretary of Agriculture asked that another story be added for the use of the Forestry Service. This was granted, and when the plans were made they were for the same-sized area, but the building was to be a two-story and basement instead of one story. It was not to be wondered at that when the bids were opened the lowest was found to be $62,393, when the Supervising Architect had estimated that a one-story building covering the same area would cost $75,000—or, in other words, $85,000, less the price of the site.

We can not bring ourselves to believe that it would be good policy on the part of the Government to reduce the size of the building or to make it one story, as was originally contemplated, for the reason that the business of the post office has already increased over 70 per cent since the original appropriation was made; and from the way immigration is now pouring in here the increase during the next four years is sure to be still greater. Besides that, the business of the Forestry Service here is large now and constantly increasing, and it certainly would be economy on the part of the Government to have all its interests here centered in one building; and if one was erected now on the first plan it would be entirely inadequate to meet the demand. The additional appropriation needed need not be over $10,000 or $15,000, and if all the Government interests in this city could be well provided for on such a small outlay we think it would be good policy to get the appropriation if possible.

So we have arrived at the conclusion that the best course to follow would be to try for an additional appropriation, so as to cover the enlarged plans. Congressman HAWLEY informs us that he has already introduced House bill 17732, increasing the appropriation for the building in the sum of $10,000. We are inclined to believe that this may not be entirely sufficient, but this matter can be easily determined by consulting with the Supervising Architect.

Hoping that you, in connection with the others of our delegation in Congress, may be able to pull us out of this difficulty, I have the honor to be,

Yours, truly, C. H. STEWART,
Secretary Albany Commercial Club.

Mr. OVERMAN. On behalf of the Senator from Oklahoma [Mr. GORE], in his absence, I submit an amendment.

The PRESIDENT pro tempore. The Senator from North Carolina, in behalf of the Senator from Oklahoma [Mr. GORE], offers an amendment, which will be read.

The SECRETARY. On page 114, after line 7, insert:

For the investigation and detection of violations of the law against the introduction of alcoholic liquors into the portion of the State of Oklahoma formerly known as the old Indian Territory, the same to be expended by the Attorney General in allowing such fees and compensation and expenses of marshals, deputies, and agents in collecting evidence and in defraying such other expenses as may be necessary for this purpose, $30,000.

Mr. OVERMAN. I may say that the Supreme Court of the United States has lately decided that the Federal Government has jurisdiction of the liquor cases in the old Indian Territory, and in consequence of that decision the Attorney General has written a letter, which I wish to put in the RECORD, stating that he absolutely needs $30,000 in order to carry out the provisions of the law in regard to the sale of liquor in the Indian Territory.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
Washington, June 13, 1912.

Senator T. P. GORE,
United States Senate.

DEAR SIR: You asked me to write you on the subject of the appropriation for the enforcement of the law against the introduction of liquor into Oklahoma under the Charley Webb case.

The essential thing is that the appropriation should be in such shape as will permit the use of deputy marshals for collecting evidence, as the circumstances of the peculiar situation make this particularly important, both from the point of view of effectiveness of the enforcement of the law and of economy. The Comptroller of the Treasury has ruled (May 3, 1911, and March 27, 1912) that the ordinary appropriations for salaries, fees, and expenses of marshals and their deputies can not be used to meet the expenses of those officers in collecting evidence.

Under the old special appropriation for the Department of Justice for the enforcement of the nonintercourse acts in reference to Indian country (32 Stat., 1139) there was a provision which covered such a use of deputy marshals, and on that we have modeled the following clause, which might be inserted after line 5, on page 114, of the present bill, as indicated:

"For the investigation and detection of violations of the law against introduction of alcoholic liquors into the portion of the State of Oklahoma, formerly known as the old Indian Territory, the same to be expended by the Attorney General in allowing such fees and compensation and expenses of marshals, deputies, and agents in collecting evidence and in defraying such other expenses as may be necessary for this purpose, $30,000."

This $30,000 for salaries, fees, and expenses of marshals and their deputies is the estimate made by the conference of the United States marshal for the eastern district of Oklahoma with the United States judge and the United States attorney. They also estimated the other expenses, as follows:

Jurors	$20,000
Witnesses	40,000
Prisoners	15,000
Bailiffs	1,000

None of these items would seem to require a special appropriation, but could most conveniently be handled under the large general appropriations made for these purposes at pages 119 to 121 of the present bill and by the usual deficiency appropriations on these points.

I inclose a copy of the bill on which, at page 114, I have inserted the clause above proposed, and at page 117 I have inserted another clause which might accomplish the same purpose, but which, I suppose, would be a less practicable method of doing it.

Very respectfully,
WINFRED T. DENISON,
Assistant Attorney General.

Mr. WARREN. If the amendment is carried, I suggest that the Secretary insert it at the proper place. It should be placed under "Miscellaneous objects, Department of the Interior," on page 115, after line 5.

The PRESIDENT pro tempore. The amendment will be inserted at that point. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SUTHERLAND. I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 130, after line 7, insert:

For indexing and annotating the judicial code, $500, or so much thereof as may be necessary, the work to be under the direction of the Judiciary Committee of the Senate.

The amendment was agreed to.

Mr. LODGE. I offer the following amendment to go at the end of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Add at the end of the bill the following:

The accounting officers of the Treasury are hereby directed to reopen and adjust the claim of the State of Massachusetts for money expended in protecting the harbors and strengthening the fortifications on the coast, heretofore adjusted under the act of July 7, 1884. And in making such adjustment, the act of July 27, 1861, as interpreted by the Supreme Court of the United States, shall be applied in the same manner and with the same effect as though said money had been expended for the equipment of troops.

Mr. WARREN. I shall have to make a point of order against that amendment.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. BRADLEY. I desire to offer this amendment.

The PRESIDENT pro tempore. The Senator from Kentucky offers an amendment, which will be read.

The SECRETARY. On page 167, after line 14, insert the following:

Bureau of the Census: For collection of statistics concerning the quantity of leaf tobacco of all forms in the United States and its possessions and making report of same, as authorized by the act entitled "An act to collect and publish additional statistics of tobacco," approved April 30, 1912, $25,000.

Mr. WARREN. That is to carry out existing law. So I shall offer no objection to it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRADLEY. I desire to offer also the following amendment.

The PRESIDENT pro tempore. The Senator from Kentucky offers an amendment, which will be read:

The SECRETARY. On page 120, after line 10, insert:

Semicentennial exposition: For expenses semicentennial exposition for celebration of semicentennial anniversary of the act of emancipation, as provided by "An act providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes," approved April 3, 1912, $250,000.

Mr. WARREN. That is a broad subject. It can go to the Senate for a vote.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Kentucky.

Mr. BACON. I did not know that it was going to a vote. I really do not know what it is. I wish the Senator would explain it to us.

Mr. BRADLEY. The Senator from Georgia will remember that some time ago we had up and discussed at length the question of an appropriation for a semicentennial celebration of the act of emancipation, and that act passed unanimously. The object of this amendment is to appropriate the money for the purpose of providing for that exposition.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from South Dakota?

Mr. BRADLEY. Yes.

Mr. CRAWFORD. Did not that act itself make an appropriation?

Mr. BRADLEY. It did not.

Mr. REED. Mr. President, I had rather see that $250,000 spent for the purpose of taking care of the sick and the poor somewhere in the United States.

The PRESIDENT pro tempore. The question is upon the amendment.

The amendment was agreed to.

Mr. REED. I offer the amendment which I send to the desk, and I call the attention of the Senator from Utah [Mr. SMOOT] to it.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. On page 175, after the word "office" in line 11, it is proposed to insert:

Pressmen to be paid at the rate of 55 cents per hour.

Mr. SMOOT. Mr. President, I simply want to call the attention of the Senator from Missouri to the fact that the amendment just offered provides for the increase of the salary of the pressmen from 50 cents per hour to 55 cents per hour. There are about 100 pressmen in the Government Printing Office at the present time, and the adoption of the amendment would mean an increase annually of $12,500. The printing bill that passed the Senate about a month and a half ago provided for this increase, and I shall offer no objection to the increase. I will say, however, that the printing bill has not yet passed the House of Representatives.

The PRESIDENT pro tempore. The Chair will venture to suggest to the Senator from Missouri that it would be better to make the amendment a proviso to the paragraph, so as to read "*Provided*," and so forth.

Mr. REED. I have no objection to the form, if it is deemed desirable that it be put in that way.

Mr. SMOOT. It will be better to make it a proviso.

Mr. REED. The Senate has already passed the printing bill, but that bill has not yet become a law and there is some question about the fate of the bill. This is simply to carry the measure through in this bill. It is a very moderate increase. There has been an increase in this instance, I think, but once in 17 or 18 years.

Mr. CULBERSON. I ask that the amendment be again stated.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be again read.

The Secretary again read the amendment.

Mr. WARREN. Does that amendment come in after the provision for leaves of absence?

The PRESIDENT pro tempore. That is where it comes in.

Mr. WARREN. I would suggest that the Senator from Missouri offer the amendment as an independent paragraph on page 181, after line 23. It seems to me it would be better to make it an independent paragraph.

Mr. REED. Then I ask to strike out the word "*Provided*" and to insert "Hereafter," and to insert the amendment at the place suggested by the Senator from Wyoming. That will be satisfactory to me.

The PRESIDENT pro tempore. It will be inserted at that point. The question is on the amendment.

The amendment was agreed to.

Mr. CUMMINS. I offer the amendment which I send to the desk, to come in on page 174, line 14.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 174, line 14, it is proposed to strike out the word "one" and to insert the word "two," so as to read:

Two at $2,000.

Mr. SMOOT. I should like to ask the Senator if that is to provide for Mr. Harris, an employee in the Government Printing Office?

Mr. CUMMINS. It is to enable the Public Printer to increase his salary from $1,800 to $2,000.

Mr. SMOOT. What I want to know is whether we should not make the change some other way than by merely making a direct appropriation of $2,000 for one man? As I understand, the amendment is to enable the Public Printer to pay the increase of $200.

Mr. CUMMINS. It is.

Mr. SMOOT. Then there will remain an appropriation for an $1,800 clerk.

Mr. CUMMINS. Very well; there can be one less clerk of the latter class.

Mr. SMOOT. That is just what I wanted to call the Senator's attention to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. WARREN. Just a moment. I have examined the matter, and find the amendment is estimated for as the Senator from Iowa offers it. I am not certain, but I can find nothing in the estimate to indicate that a clerk should be dropped at some other place in the bill.

Mr. SMOOT. My understanding is that this is to pay Mr. Harris in the Government Printing Office.

Mr. CUMMINS. It is to pay some person.

Mr. WARREN. Yes; whether it is he or someone else, and it is an increase from $1,800 to $2,000.

Mr. CUMMINS. Yes.

Mr. WARREN. I have no objection to the amendment, but as it seems to be a promotion merely, I believe we ought to provide for one clerk less of the $1,800 class.

Mr. CUMMINS. This is what Mr. Donnelly said upon the matter in the hearing before the House committee:

The CHAIRMAN. Now you ask for certain increases over last year. The first is, instead of one clerk at $2,000 you ask for two clerks at $2,000.

Mr. DONNELLY. It is requested that one clerk be promoted from $1,800 to $2,000. This clerk is in charge of the property records of the office. It is proposed to increase his salary from $1,800 to $2,000, which will increase the number of clerks at $2,000 from one to two.

The amendment was agreed to.

Mr. WARREN. Mr. President, I understand that, in view of the acceptance of that amendment, another amendment should be made, in line 14, to strike out the word "ten" and insert "nine."

Mr. CUMMINS. I assume that that would naturally follow.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. On page 174, line 14, it is proposed to strike out the word "ten" and to insert "nine."

The amendment was agreed to.

Mr. CULBERSON. On page 57, line 8, after the figures "$50,000," I move to amend the Senate committee amendment by adding:

Provided, That this money shall be paid out of the Philippine treasury.

Mr. President, I only desire to say that I am opposed to the Senate committee amendment, as I do not believe the Government ought to enter upon the building of a railroad in the Philippine Islands; but if it is done, I think, as it is to be a permanent improvement, it ought to be paid for out of the Philippine treasury, and not out of the National Treasury. I call attention to the message of the President sent to the other House on the 19th instant, in which he says that the Philippines are self-sustaining. We ought therefore to provide against the taking of this $200,000 out of the National Treasury.

The PRESIDENT pro tempore. Will the Senator kindly withhold his amendment until the bill reaches the Senate, when it will be in order to amend?

Mr. CULBERSON. I want to amend the bill while it is before the Senate as in Committee of the Whole. I think I am entitled to do so.

Mr. WARREN. Under the rule, it having been passed upon, the amendment to the amendment would not be in order, but, of course, it makes no difference.

The PRESIDENT pro tempore. By unanimous consent the vote agreeing to the amendment on page 57, from line 4 to

line 8, will be reconsidered, and the amendment will be considered as open to amendment. The question is upon the amendment to the amendment, submitted by the Senator from Texas, which will now be stated.

The SECRETARY. On page 57, line 8, after the sum "$50,000," it is proposed to insert:

Provided, That this money shall be paid out of the Philippine treasury.

Mr. WARREN. I do not want that amendment to the amendment to carry, and I believe the Senator from Texas, on reflection, will hardly think it ought to carry. As he is frank enough to say he is against the whole proposition, of course that amendment to the amendment would perhaps accomplish the purpose of making the amendment useless. The railroad proposed to be built by the United States is exactly the same in principle as the railroad system at Fort Leavenworth and other large Army posts. Its usefulness is almost entirely for the Government itself, and it simply happens that it involves not any more miles of railroad than there are, perhaps, in other places, but is in one line, a narrow-gauge railroad for the use of the Government. The matter will be settled, I want to say to the Senator, eventually, without doubt, by its going to the Philippines and their paying for it; but at present there is no way by which it could be handled as the Senator proposes. So I hope the amendment may not carry.

Mr. BACON. Mr. President, I have something I want to say on this question, but I prefer to wait until the bill goes into the Senate, when the whole matter will be open. I have some other matters to urge upon the consideration of the Senate as to why this railroad should not be built, but I will not detain the Senate now to do so.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Texas to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. If there be no further amendments, the bill will be reported to the Senate.

Mr. BACON. Mr. President, before the bill passes from the Senate as in Committee of the Whole I desire to give notice that I wish to reserve the right to object to the amendment adopted with reference to the construction of the railroad in the Philippines. I also want to call attention to another fact. If I am correct in my opinion, the Senator from Wyoming possibly was misled as to the facts in stating that the appropriation which was asked for by the Senator from Kentucky [Mr. BRADLEY] was to carry out existing law. I do not think the law has been passed. The bill has passed the Senate, but it has not passed the House.

Mr. WARREN. To which law does the Senator from Georgia refer?

Mr. BACON. The law with reference to that exposition.

Mr. WARREN. The Senator is mistaken. I made no such reference. The language the Senator is quoting was directed to the amendment providing for the collection of statistics concerning leaf tobacco, which is provided for in the law. As to the other subject, I said it was a large matter, and I did not like to take the responsibility, and I asked that it might go to the Senate for a vote.

Mr. BACON. Immediately thereafter, as it was about to be put, I got up and, having reference to that, asked that we might have information about it. Certainly if it related to the other matter, we did not correctly understand it on this side of the Chamber.

Mr. WARREN. Did the Senator direct his appeal to me for information? If so, I did not observe it.

Mr. BACON. I did have the Senator in my mind, although I did not name him; but when I made the request and the Senator from Kentucky responded, of course I thought that response was to the inquiry I made.

Mr. WARREN. Mr. President, if the Senator will reflect, he will remember that there were two amendments, and it was to the first one that I directed my remarks.

Mr. BACON. I know nothing about that. The Senator stated it was a very grave matter and he would submit it to the Senate, and immediately, as I think the RECORD will show, the Chair proceeded to put the question. Before the result was announced I said I would like to have some information about it. I had in mind that alone, and when the Senator said that it was to carry out existing law I sent for the document, and I find that it has only passed the Senate.

Mr. WARREN. I did not say that it was to carry out existing law in that case, and the RECORD will so show.

Mr. BACON. I do not dispute the Senator's statement at all, but I am only showing how absolutely and thoroughly the matter was misunderstood.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. Yes.

Mr. BORAH. Mr. President, I understood that the $250,000 which was appropriated for an exposition or for a celebration was based on the supposition that it was to carry out existing law. Do I understand now that there is no law for it?

Mr. BACON. None.

Mr. BORAH. And the House has not passed the bill?

Mr. BACON. It has not.

Mr. BORAH. Of course, I did not understand the Senator from Wyoming to say that it was existing law, but the impression on this side was that such a law had been passed. From some source or other we got that impression.

Mr. WARREN. I said nothing whatever of that kind; but I think the Senator from Kentucky [Mr. BRADLEY] remarked that the bill had passed the Senate, which, I believe, is true. I may be mistaken, but I know that I said nothing about it.

Mr. BACON. It is a simple matter to reserve that amendment in the Senate.

The PRESIDENT pro tempore. If there are no further amendments the bill will be reported to the Senate.

Mr. REED. If it is necessary to give any notice, I desire to say that I want to reserve the right to vote in the Senate on the amendment on page 105, providing for the purchase of a motor boat for Alaska.

Mr. CULBERSON. I desire to reserve the amendment, beginning after line 16, on page 2, relating to the Tariff Board.

The PRESIDENT pro tempore. If there are no further amendments to be offered the bill will be reported to the Senate.

The bill was reported to the Senate.

The PRESIDENT pro tempore. The amendments not reserved will, without objection, be concurred in in the Senate. The Senator from Texas reserves an amendment, which will be stated.

The SECRETARY. On pages 2 and 3, the amendment of the committee relating to the Tariff Board.

Mr. CULBERSON. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. REED. I raise the question of no quorum.

Mr. SMOOT. I suggest that the calling of the roll will disclose that.

The PRESIDENT pro tempore. The Senator from Missouri raises the question of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	du Pont	Martine, N. J.	Smith, Ga
Bacon	Fall	Massey	Smith, Mich.
Bankhead	Fletcher	Nelson	Smith, S. C.
Borah	Gallinger	Newlands	Smoot
Bourne	Gronna	Oliver	Stephenson
Brandegee	Guggenheim	Overman	Sutherland
Bristow	Heyburn	Page	Swanson
Bryan	Johnston, Ala.	Paynter	Thornton
Burnham	Jones	Penrose	Townsend
Burton	Kenyon	Percy	Warren
Catron	La Follette	Perkins	Watson
Chamberlain	Lippitt	Pomerene	Wetmore
Crawford	Lodge	Reed	Works
Culberson	McCumber	Shively	
Cummins	McLean	Simmons	
Dillingham	Martin, Va.	Smith, Ariz.	

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

The PRESIDENT pro tempore. The Senator from Texas demands the yeas and nays on the first reserved amendment, which will be stated.

The SECRETARY. It is the committee amendment on pages 2 and 3, which, as amended, reads as follows:

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act or any existing law, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, $225,000. Such officers shall report annually to Congress.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole, on

which the Senator from Texas [Mr. CULBERSON] demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN]. If he were present and I were at liberty to vote, I should vote "yea."

Mr. BURNHAM (when his name was called). I am paired with the junior Senator from Maryland [Mr. SMITH] and therefore withhold my vote. If allowed to vote, I should vote "yea."

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE] is unavoidably absent from the city. He is paired with the Senator from Oklahoma [Mr. GORE]. If my colleague were present he would vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON] and therefore withhold my vote.

Mr. HEYBURN (when his name was called). I would inquire if the senior Senator from Alabama [Mr. BANKHEAD] has voted?

The PRESIDENT pro tempore. He has not voted, the Chair is advised.

Mr. HEYBURN. I have a pair with that Senator and therefore withhold my vote.

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the Senator from New York [Mr. ROOT] and therefore withhold my vote.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. If at liberty to vote, I should vote "yea."

Mr. PENROSE (when his name was called). I again announce the transfer of my general pair with the junior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from South Dakota [Mr. GAMBLE]. I will let this announcement stand for the day, and will vote on all questions during the day. I vote "yea."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is necessarily absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and at liberty to vote, he would vote "yea."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN] and therefore withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON], and in his absence I withhold my vote. If permitted to vote, I should vote "nay."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. He is absent from the Chamber, and I am advised will be detained during the day. I therefore withhold my vote. I desire this announcement to stand for the day.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER]. I transfer the pair so that the Senator from Louisiana will stand paired with the Senator from Washington [Mr. POINDEXTER], and I will vote. I vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS] and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE] and therefore withhold my vote.

Mr. PERCY (when the name of Mr. WILLIAMS was called). I desire to announce that my colleague [Mr. WILLIAMS] is unavoidably absent from the city and is paired with the senior Senator from Pennsylvania [Mr. PENROSE.] This announcement will stand for the day.

The roll call was concluded.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is detained from the Chamber by important business. If he were here, I think he would vote "yea" on this proposition.

Mr. DILLINGHAM (after having voted in the affirmative). I find myself obliged to withdraw my vote owing to the absence of the Senator from South Carolina [Mr. TILLMAN], with whom I am paired.

Mr. SIMMONS. I voted a while ago, and I wish to state that I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer the pair to the junior Senator from Nebraska [Mr. HITCHCOCK] and will let my vote stand. I will let this announcement stand as to all votes upon this bill.

The result was announced—yeas 34, nays 19, as follows:

YEAS—34.

Borah	Fall	McLean	Smoot
Bourne	Gallinger	Massey	Stephenson
Bristow	Gronna	Nelson	Sutherland
Burton	Guggenheim	Newlands	Thornton
Catron	Jones	Oliver	Townsend
Chamberlain	Kenyon	Page	Warren
Crawford	La Follette	Penrose	Works
Cummins	Lodge	Perkins	
du Pont	McCumber	Smith, Mich.	

NAYS—19.

Ashurst	Gardner	Paynter	Simmons
Bacon	Johnston, Ala.	Percy	Smith, Ariz.
Bryan	Martin, Va.	Pomerene	Smith, Ga.
Culberson	Myers	Reed	Swanson
Fletcher	Overman	Shively	

NOT VOTING—41.

Bailey	Crane	Johnson, Me.	Sanders
Bankhead	Cullom	Kern	Smith, Md.
Bradley	Curtis	Lea	Smith, S. C.
Brandegee	Davis	Lippitt	Stone
Briggs	Dillingham	Martine, N. J.	Tillman
Brown	Dixon	O'Gorman	Watson
Burnham	Foster	Owen	Wetmore
Chilton	Gamble	Poindexter	Williams
Clapp	Gore	Rayner	
Clark, Wyo.	Heyburn	Richardson	
Clarke, Ark.	Hitchcock	Root	

So the amendment was concurred in.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

Mr. REED. Mr. President, the amendment that I called attention to, upon which we are about to vote, is the one to purchase a motor boat to be used in Alaska. It was discussed at great length here one day, and we adjourned just before the vote was taken.

I do not think we ought to buy this boat unless we are going to equip it with proper armament to shoot ducks, because I think that is the purpose for which the boat is intended to be used.

I ask for the yeas and nays upon the question of concurring in the amendment made as in Committee of the Whole.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 105, beginning in line 7, as amended, the amendment reads:

Purchase of motor boat, Alaska: To enable the Commissioner of the General Land Office to purchase a motor boat for use in the District of Alaska in the investigation of unlawful cutting of timber from the public lands, the inspection of timber cut under permit, and the examination of alleged illegal entries, $5,000.

Mr. NELSON. Mr. President, I desire to make a brief explanation relating to the necessity for this amendment.

People who are familiar with the map of Alaska know there is a narrow strip along the Pacific coast, southeast of the one hundred and forty-first meridian, which consists in the main of an archipelago. There is a strip along the mainland with a great many inlets and bays. The boundary line is just back of it on the summit. Most of the timber in southeastern Alaska—in fact, in Alaska—is confined to those islands. There is but one steamship route that runs from Seattle by way of Victoria along the inner passage up to Skagway at the head of the new canal. That boat only stops along a few of the principal places on the main route and does not touch most of these islands.

Now, a boat of this kind is as necessary there as a horse and buggy or an automobile would be on the dry land. The only way of getting to those islands is in some kind of water craft, some kind of a boat, and the regular steamboat plying there on the regular route does not touch these islands. The only way they can be reached is by some kind of a boat, and I think, as a matter of economy to the Government, the officers need and should have such a boat to go from one island to another in that archipelago.

The conditions there are entirely distinct and different from those existing in any other part of the country. The distance by the inner passage from Seattle to Skagway is about a thousand miles, and over half of that distance is between the mouth of the Portland Canal and the front of Cape St. Elias, where the one hundred and forty-first meridian of longitude constitutes the boundary line between that country and the Yukon territory. In all that region in that archipelago the only way of getting from island to island and from point to point is by some kind of water craft.

Now, if the Government has its own boats it will manifestly be a saving of expenses, as compared with hiring other boats, if such can be procured. I doubt whether any other boats can be secured there, except boats run by private parties, and perhaps they will be sailboats and in some instances, where the distance is short, rowboats.

I think there is an absolute necessity for this boat, growing out of the conditions in Alaska, and for that reason I am in favor of the amendment.

The PRESIDENT pro tempore. On the question of concurring in the amendment made as in Committee of the Whole, the Senator from Missouri [Mr. REED] demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I again announce my pair with the Senator from New York [Mr. O'GORMAN].

Mr. BURNHAM (when his name was called). I make the same announcement as on the last roll call, that I am paired with the Senator from Maryland [Mr. SMITH].

Mr. WATSON (when Mr. CHILTON's name was called). I again announce the absence of my colleague [Mr. CHILTON], on account of personal illness. He is paired with the senior Senator from Illinois [Mr. CULLOM].

Mr. LODGE (when Mr. CRANE's name was called). I desire to announce the general pair of my colleague [Mr. CRANE] with the Senator from Oklahoma [Mr. GORE]. I will also at the same time announce the following pairs:

The Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN].

The Senator from Kansas [Mr. CURTIS] is paired with the Senator from Arkansas [Mr. DAVIS].

The Senator from Montana [Mr. DIXON] is paired with the Senator from Texas [Mr. BAILEY].

I will let this announcement stand for the day on all votes upon the bill.

Mr. DILLINGHAM (when his name was called). I withhold my vote on account of the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a general pair. I would vote "yea" if he were present.

Mr. JOHNSON of Maine (when his name was called). I again announce my pair with the senior Senator from New York [Mr. ROOT].

Mr. LIPPITT (when his name was called). I again announce my pair with the Senator from Tennessee [Mr. LEA].

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN] and withhold my vote. I should vote "yea" if I were at liberty to vote.

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from New Jersey [Mr. BRIGGS] to the junior Senator from New Jersey [Mr. MARTINE] and vote "nay."

Mr. WETMORE (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE]. If I were at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. CULLOM. I have a general pair with the Senator from West Virginia [Mr. CHILTON], and withhold my vote.

Mr. BRADLEY. I should like to state that being paired with the senior Senator from Maryland [Mr. RAYNER] I withhold my vote.

The result was announced—yeas 30, nays 22, as follows:

YEAS—30.

Bourne	Fletcher	Nelson	Smoot
Bristow	Gallinger	Oliver	Stephenson
Burton	Gronna	Page	Sutherland
Catron	Guggenheim	Paynter	Townsend
Chamberlain	Jones	Penrose	Warren
Crawford	Lodge	Percy	Works
Cummins	McCumber	Perkins	
du Pont	McLean	Smith, Mich.	

NAYS—22.

Ashurst	Heyburn	Overman	Smith, Ga.
Bacon	Johnston, Ala.	Pomerene	Swanson
Bryan	Kenyon	Reed	Thornton
Culberson	Martin, Va.	Shively	Watson
Fall	Massey	Simmons	
Gardner	Myers	Smith, Ariz.	

NOT VOTING—42.

Bailey	Clarke, Ark.	Johnson, Me.	Richardson
Bankhead	Crane	Kern	Root
Borah	Cullom	La Follette	Sanders
Bradley	Curtis	Lea	Smith, Md.
Brandegee	Davis	Lippitt	Smith, S. C.
Briggs	Dillingham	Martine, N. J.	Stone
Brown	Dixon	Newlands	Tillman
Burnham	Foster	O'Gorman	Wetmore
Chilton	Gamble	Owen	Williams
Clapp	Gore	Poindexter	
Clark, Wyo.	Hitchcock	Rayner	

So the amendment was concurred in.

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. SMITH of South Carolina. I have here a communication which I should like to have read, and the last clause in small type I propose as an amendment to come in on page 171, after line 7.

The PRESIDENT pro tempore. Will the Senator kindly withhold it until reserved amendments are acted upon?

Mr. SMITH of South Carolina. I thought we were through with those.

The PRESIDENT pro tempore. Are there further reserved amendments?

Mr. BACON. I do not know which amendment is first in order, but there are two I am interested in. One is in regard to the building of the railroad in the Philippine Islands, on page 57. I want to suggest something about it, to see whether I am correct in it or not. The Senator from Wyoming, if I recollect correctly, stated that that was the post at which it was necessary to transport 8,000 tons of freight a year. That was the statement of the Senator, if I recollect it aright.

Mr. WARREN. I said from seven to eight thousand tons. The estimate of the Quartermaster's Department was that there would be at least 7,500 tons.

Mr. BACON. Mr. President, since that occurred the Senator from North Carolina [Mr. OVERMAN] sought from the War Department information as to the number of men at this post, and the information received was that at the two posts, which it seems are on that line, Camp Overton and Camp Keithley——

Mr. WARREN. The Senator will perhaps remember——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I do.

Mr. WARREN. I think the Senator remembers that I said the other day when this amendment was under discussion that there were two posts there when I visited the place called then MacVicker and Keithley, Keithley being on one side of the lake and MacVicker on the other, and that this road supplied both, because it would reach one, and from the one there is water transportation to the other.

Mr. BACON. I am not taking issue with that in any manner. I presume those are the same posts named now Keithley and Overton given differently; given by the name of the camps.

The statement of the War Department is that at one camp there are two companies of the Eighth Cavalry, I and K, and at the other camp there are two companies of the Eighth Infantry, E and H, and also a battalion of Philippine Scouts of three companies. That would make altogether seven companies. I suppose that there are less than 100 men in each company. I have no idea that there are that many, but taking that as the estimate, which I presume is at least 50 per cent over the actual fact, for I do not suppose the companies have anything like 100 men——

Mr. WARREN. If the Senator has noticed the latest information from the War Department, it intends those companies to be composed of 150 men. I do not believe they are that large now, but that is the plan which is now proposed to be carried out in the Philippines.

Mr. BACON. Does the Senator refer to the scouts or to the Army?

Mr. WARREN. I am referring to the Army. As to the scouts, I think it is undetermined, but they will probably follow the same line, it being, as it is thought, an economy in the use of the officers of the Army, putting more men under such officers.

Mr. BACON. If there were anything like 150 men to the company, we would have the maximum strength of the Army. I think it is a conceded fact that to-day we have only 60 or 70 per cent of the maximum strength of the Army as authorized by law. There are possibly only about 60 per cent, if I recollect aright, of the full strength of the Army. Am I correct in that?

Mr. WARREN. The strength of the Army authorized by law is 100,000, and these enlargements of the companies are said to be within the limit of 100,000. Replying to the direct question put by the chairman of the Appropriations Committee to the

Secretary of War, he replied that those increases would be within the limit of 100,000.

Mr. BACON. That refers to the future; and whenever there are 150 men to the company there will be the full maximum strength allowed by law.

Mr. WARREN. Does the Senator mean that there are not 150 men now in some of the companies of troops in some lines of service? If so, he is certainly mistaken.

Mr. BACON. I do not mean to say at this time; I mean to say exactly what I intended to say—that if that was the strength of the companies generally it would bring the Army fully up to the maximum.

I suppose we need not say anything about those matters of detail, because, even allowing a very liberal margin, if I have made any correct figures there was some wide error on the part of the department; and I think it important not simply as to this particular proposition but as a general thing that we may have some little suggestion as to whether or not there is any great wastefulness and extravagance, not only in this instance but in the service generally, because if I am correct in my figures and the same system exists everywhere there is a tremendous amount of waste and extravagance. If I am incorrect of course I would be more than glad to have my error pointed out.

Now, Mr. President, I am going to assume—and I hope I may have the attention of the Senator from Wyoming, as he is the captain general on this subject.

Mr. WARREN. I am listening.

Mr. BACON. I am going to assume that the companies have 100 men each. Then to the extent that I may be in error about that my calculation will be erroneous. I understand, however, that the suggestion made by the Senator from Wyoming as to 150 men to the company applies to what is intended, not to what has already existed, and the 8,000 tons applies to the past, not to the present or the future, if I understand it. If I understood the Senator correctly he stated that the transportation required to meet the necessities there was about 7,000 or 8,000 tons a year, so that even if there are 150 men contemplated for a company in the future there is no contention, I presume, that that has been the case heretofore.

Now, Mr. President, how 8,000 tons of freight can be required for a post of 700 men is past my mathematical power to figure out. It is said there are only two companies of Cavalry. The little calculation I made here is upon the basis of their being all Cavalry and accounting for all their horses; no I am mistaken about that. I am counting 200 horses for the Cavalry and 100 extra for the quartermaster's department and everything else. So there are 300 horses there.

Now, how much in the way of freight do those 300 horses require? A liberal estimate is 20 pounds a day of all kinds of food for a horse—the forage, and the corn or the oats, as the case may be. Twenty pounds is an outside estimate of the amount required per horse.

This may look like a very small matter when we are going through these calculations, but when it is proposed to build a railroad because the requirements are such that the ordinary means of transportation are not adequate, then it is important to see whether there is a wide difference between the amount of transportation which it is said is necessary and that which we can figure out as being necessary.

If there are 300 horses, 200 Cavalry horses, and 100 extra horses for other purposes, 3 tons a day is a large allowance for them, and it is an allowance of more than is necessary. That would make in the course of a year, at 3 tons a day, 1,095 tons in a year.

Now, when you come to the men, there are two kinds of freight, or possibly three. There may be others that I do not think of, and, of course, I am ready to be corrected in this statement. Two pounds a day for food is a liberal estimate for men, and with 700 men at 2 pound a day in the course of 365 days there would be 256 tons. Then allowing 20 pounds each for every man for his clothing and things of that kind outside of his food, the transportation necessary for him, which is certainly a liberal estimate, and evidently an extravagant estimate in that climate, that would be 7 tons a year, and the aggregate amount is 1,358 tons.

Now, for ammunition I do not know how much ought to be allowed, but I would say 2 tons, because not much ammunition is used. The country is settled down and there is no fighting going on. They have a full supply on hand, of course, but I would suppose that 2 tons each of ammunition a year for 700 men would be a most liberal estimate, and we would have in the aggregate less than 1,400 tons a year.

Mr. DU PONT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Delaware?

Mr. BACON. I do.

Mr. DU PONT. Mr. President, there are more than 700 men at that post.

Mr. BACON. Very well, I will come to that, if the Senator pleases. The Senator will pardon me if I go on with the estimates now, because I said to the extent I was in error as to the number of men, of course the calculation would be in error. I am perfectly willing, before I get through, to double the number of men, and then you would have a vast margin, and double the tonnage, and you would have a large margin; but I think I am within the estimate. Of course I am ready to be corrected if I am not.

I say that that amounts to less than 1,400 tons a year in place of 8,000 tons. If there have been 8,000 tons, or 7,000 tons if you please, carried, there is a vast margin to be accounted for. If that exists at this little post, it is a very pertinent question whether or not it is in accordance with the general system and whether this immense unnecessary expenditure is saddled upon the public.

If I am correct in my calculation so far, that would make less than 4 tons a day to transport over this route on which it is proposed to build a railroad. It is only 22 miles.

Mr. SMITH of Arizona. And an easy grade.

Mr. BACON. The Senator says it is an easy grade. The grade is about 3 per cent, if I recollect correctly, and if it is nothing but a trail now, it can be easily cut into a road. We all know that these roads are constructed by the soldiers; but even if it had to be paid for by the Government it is very different from building a railroad. Suppose there is a wagon road constructed by the soldiers, which is entirely feasible and practicable, and in accordance with the usual customs and methods of the Army four 2-horse wagons a day, carrying only 1 ton each, would do this business, and if it is an extraordinarily good road three would do it easily. Yet it is proposed to build a railroad for this purpose.

Mr. President, if there was no railroad built at all, and there was nothing but a mountain trail, this freight could be carried on burros at an absolutely insignificant cost. A burro will carry easily upon such a trail certainly a hundred pounds, and if it is a good one it will carry 200. I have seen them on a good road carrying 300 pounds. I have frequently seen a burro loaded with three sacks of corn; no doubt the Senator from New Mexico has frequently seen the same thing; and that is over 300 pounds. And burros cost $5 apiece. But if they did not have burros they could take mules. A mule would easily carry 300 pounds over any ordinary trail. How many mules would it take? They are driven simply by the soldiers backwards and forwards.

Mr. President, I do not want to detain the Senate with this matter, but suppose we double it, suppose we double it. The Senator says that there are more than that many soldiers there. The information I get was given to me by the Senator from North Carolina, obtained by him personally from the War Department. But suppose we double the number and say there are fourteen hundred there. Then seven or eight wagons would do the entire business with the soldiers as teamsters, and at little or no expense to the Government.

I do not wish to detain the Senate, Mr. President, on this subject. I wanted to present those figures. If I am wrong, I hope some Senator will point it out. Am I in error as to the transportation needed, and the forage for horses, as to the weight, as to the amount consumed? Am I wrong as to the amount needed to transport in order to sustain the soldiers either as to their food or as to their clothing? Am I wrong as to ammunition, where there is no artillery, as to the weight of that? If I am, let some Senator show that I am wrong. If I am not wrong, Mr. President, I submit it would be inexcusable and indefensible for us to proceed to the construction of this road.

Therefore I ask that we may have another vote on the question.

Mr. WARREN. Mr. President, allowing that the Senator is right and that everybody connected with the Army must be wrong, I can see as the Senator goes along that his statement covers only a moiety of the supplies that have to be furnished. His idea of 2 pounds of food net for a man may be correct. The idea of the number of pounds of transportation is quite different.

Another thing, they have to have shelter. There is material to go there for shelter. There have to be arms and ammunition. We have the testimony of the different heads of bureaus and Secretaries for some years.

The Quartermaster General of the Army is a seasoned and experienced man, acknowledged to be one of the best Quartermaster Generals the Army has ever had. He has gone through this subject carefully. We have the Secretary of War, and of

course his information is gleaned and garnered and winnowed out from all the information that comes to him from the heads of bureaus. He says:

The original cost of the transportation required to supply the posts on Lake Lanao is conservatively estimated at $200,000—

Not $175,000 or $150,000, but $200,000—

and this amount does not include the cost of transportation required for field use of the garrisons. The annual cost of maintaining this transportation is $175,000. There has already been expended in construction and maintenance of the road from Camp Overton to Camp Keithley a total sum exceeding $300,000, not including the work done by troops during the early stages of construction, and it has cost to maintain the road from $24,000 to $36,000 a year. This expense for maintenance must continue year after year.

He says, on the cost of this Overton-Keithley road, which is through a country of torrential storms:

The total cost of this road to date added to the value of the transportation, equipment, and its maintenance for the last seven years reaches the enormous total of $1,750,000, or an average of about $250,000 per year.

Mr. BACON. What is that statement? I did not catch it.

Mr. WARREN. The Secretary of War says the total cost of the wagon road and its maintenance and the transportation has cost $1,750,000 to date, or an average of about $250,000 a year. He says, further:

Such expenditures show a lack of business foresight.

There is more of it, in further explanation, but I will not now stop to read it.

Mr. BACON. I should say that such expenditures show something else besides a lack of business foresight.

Mr. WARREN. If the Senator will allow me to finish what I was going to say—an academic calculation here of the amount of freight surely can not be as correct as the actual facts as recorded in the amount of freight taken over this road during the time since these posts were established. It is not a matter of appropriating money, but it is a matter to be left to those who are in favor of actual economy.

Mr. BACON. I think that this is a matter of sufficient importance, as throwing light upon the nature of the expenditures in the War Department, for the items and the details of these expenditures to be brought to the attention of Congress. If it be true that there has been any such expenditures as that, I think we ought to have the items of it, because if we have had expenditures of that kind in this instance there have been expenditures of the same kind in numerous other instances. If we have had this vast expenditure on account of that little road, we ought to know how it was built and what the items are, so that we can see whether or not this money was correctly spent. If it be true that there were 8,000 tons or 7,000 tons of freight carried to that camp or to those two camps, we ought to have the items. If it be true that there have been $150,000 or $160,000 spent in a year for the purpose of transporting the freight needed for this simple garrison of soldiers, we ought to have the items of that cost of transportation. I hope that it may be had now. I hope it in order that the War Department may be shown to be correct, if it is correct. It ought not to be allowed to stand as it is.

Mr. President, how can we hope for anything like economy in the expenditures if this is a sample of it, if it be true, so far as I can figure it out, that it far exceeds what would be a legitimate expense?

I should like to make an inquiry of the Senator from Wyoming, who is not only in charge of the appropriation bill but who was for a long time at the head of the Military Committee of the Senate. Possibly there is no Senator within my term of service who is in a better position to judge of matters as to the military affairs than he. I should like to know what is the most practicable way for us to get a detailed statement as to this particular expenditure, because that is what I want. I want to know, if that road has cost over a million dollars, something about the way in which that cost was expended.

Mr. WARREN. I think if the Senator would prefer the slightest request to the Secretary of War or to the Quartermaster General—probably it ought to go to the Secretary of War—he would be furnished with it.

Mr. BACON. Very well. Then we can get it in that way, and get the items as to the amount of freight carried and what it consisted of and the cost, not simply the aggregate cost, but the bills. That is what I want. How was this money expended? How were the 8,000 tons of freight, in the first place, needed for this small encampment, and how was $150,000 or $160,000 expended in the transportation of 8,000 tons of freight? Those are the things we want to know. I do not doubt the fact that we expended it. I am not for a moment suggesting that the charge is not correct on the books of the Quartermaster's Department, but what I want to know is how can it be so.

Mr. WARREN. Mr. President, I do not want to prolong the discussion, but at times there have been, and probably there will be again, a great many more troops there. There were more when I was there. As the Senator knows, it is almost in the center of the Mindanao country—the Moro country. The number of troops varies according to the circumstances. As the Senator knows, we have had some rather severe disturbances in the Moro country.

Mr. BACON. I understand that.

Mr. WARREN. The Senator uses 8,000 tons as a unit; he must remember that that is the average; but the latest information is that for the following year it will be at least 7,500 tons.

Mr. BACON. Well, I think we ought to have that information; I think those are matters about which Congress ought to be informed. We have the responsibility of the appropriation of money, and I think we ought to be informed when such an enormous amount of supplies, 8,000 tons, are said to be needed for one or two small encampments of soldiers as to what those supplies are; and when $20 a ton is stated to be the cost of their transportation for 22 miles over a practicable road that has cost over a million dollars, we ought to know in what way that money was expended. I hope that those who have it in charge, the Committee on Military Affairs of the Senate, will take the steps to secure this information.

Mr. WARREN. The facts were all before the committee which considered these matters.

Mr. BACON. I will ask the Senator if there is anything which shows of what those 8,000 tons consisted?

Mr. WARREN. The papers submitted from time to time covered that question.

Mr. BACON. I want to know what the items were.

Mr. WARREN. Does the Senator expect me from memory to give him every pound of salt or every pound of starch?

Mr. BACON. I do not; but the Senator said the papers showed the items, and I desire to know about them.

Mr. WARREN. The papers give the amount——

Mr. BACON. In the aggregate.

Mr. WARREN. They give it in the aggregate, of course.

Mr. BACON. But that does not answer the question. I want some way of finding out why 8,000 tons of freight were needed for two small encampments, and then I want to know why it is that, over a road costing over a million dollars, it has cost $20 a ton to transport that freight 22 miles.

Mr. WARREN. I hope the Senator will not misconstrue what I said. The million seven hundred and fifty thousand dollars included the building of the road and the transportation over it since it was built.

Mr. BACON. I beg the Senator's pardon. I misunderstood the Senator.

Mr. WARREN. That is what I said. The average, according to the testimony of the Secretary of War, has been $250,000 a year; that is, the average for building the road, keeping it in repair, and to carry this material.

Mr. BACON. Of course, I would not misrepresent the Senator. I certainly misunderstood him, but now that the road is built, I want to understand why it costs $20 a mile to transport freight 22 miles. I want the information at some time—not now; I am not asking the Senator to give it now—but I think it is due to Congress that it should be given to it. How is it that 8,000 tons of freight were needed for these two little encampments, and why is it that over a costly road it has taken $20 a ton to transport freight 22 miles—a dollar a mile per ton?

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole. [Putting the question.] By the sound the "noes" appear to have it.

Mr. WARREN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER] and withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON] and therefore withhold my vote.

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN]. If at liberty to vote, I should vote "yea."

Mr. WETMORE (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE]. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

Mr. HEYBURN (after having voted in the affirmative). I observe that my pair, the Senator from Alabama [Mr. BANK-

HEAD], is not present in the Chamber, and I am informed he has not voted. I will therefore be compelled to withdraw my vote.

Mr. DILLINGHAM. I withhold my vote on account of my pair with the senior Senator from South Carolina [Mr. TILLMAN], who does not appear to be in the Chamber.

Mr. SMITH of South Carolina. I will transfer my general pair with the Senator from Delaware [Mr. RICHARDSON] to the Senator from Indiana [Mr. SHIVELY] and will vote. I vote "nay."

Mr. WATSON. I will transfer my general pair with the Senator from New Jersey [Mr. BRIGGS] to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. BURNHAM. I desire to transfer my pair with the Senator from Maryland [Mr. SMITH] to the junior Senator from Washington [Mr. POINDEXTER], and will vote. I vote "yea."

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I do not see him in the Chamber, and therefore withdraw my vote.

The result was announced—yeas 27, nays 25, as follows:

YEAS—27.

Bourne	Cummins	Lodge	Perkins
Brandegee	du Pont	McCumber	Smith, Mich.
Bristow	Gallinger	McLean	Stephenson
Burnham	Gronna	Massey	Sutherland
Burton	Guggenheim	Nelson	Townsend
Catron	Jones	Oliver	Warren
Crawford	La Follette	Page	

NAYS—25.

Bacon	Gardner	Paynter	Swanson
Borah	Johnston, Ala.	Percy	Thornton
Bryan	Kenyon	Reed	Watson
Clapp	Martin, Va.	Simmons	Works.
Culberson	Martine, N. J.	Smith, Ariz.	
Fall	Myers	Smith, Ga.	
Fletcher	Overman	Smith, S. C.	

NOT VOTING—42.

Ashurst	Cullom	Kern	Root
Bailey	Curtis	Lea	Sanders
Bankhead	Davis	Lippitt	Shively
Bradley	Dillingham	Newlands	Smith, Md.
Briggs	Dixon	O'Gorman	Smoot
Brown	Foster	Owen	Stone
Chamberlain	Gamble	Penrose	Tillman
Chilton	Gore	Poindexter	Wetmore
Clark, Wyo.	Heyburn	Pomerene	Williams
Clarke, Ark.	Hitchcock	Rayner	
Crane	Johnson, Me.	Richardson	

So the amendment was concurred in.

Mr. SMITH of Georgia. Mr. President——

Mr. WARREN. Will the Senator from Georgia allow me to present a committee amendment?

Mr. SMITH of Georgia. Yes. I merely wanted to be sure that I had reserved an objection to the amendment offered by the Senator from Kentucky [Mr. BRADLEY] with reference to an appropriation of $250,000 for a centennial celebration.

Mr. WARREN. It is understood that that is reserved.

Mr. SMITH of Georgia. I wanted to be sure that it was reserved.

Mr. WARREN. Mr. President, a very late act calls for attention in connection with this appropriation bill. I refer to the act approved on the 22d of this month calling for an appropriation of $57,250 for use of the Census Bureau in relation to cotton investigations. I send the amendment to the desk and ask the Secretary to insert it immediately after the $25,000 tobacco amendment, which has heretofore been agreed to.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment agreed to relating to investigations of quantities of leaf tobacco, it is proposed to insert the following:

For securing information for census reports of cotton production, and periodical reports of stocks of baled cotton in the United States, and of the domestic and foreign consumption of cotton, and to enable the Bureau of the Census to carry out the provisions of "An act authorizing the Director of the Census to collect and publish statistics of cotton," approved July 22, 1912, $57,250.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I desire to make a point of order against the amendment offered by the Senator from Kentucky [Mr. BRADLEY] that there is no legislation that justifies it, no estimate that justifies it, and that it is an increase of appropriations which can not be made from the floor by amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 180, after line 10, the Senate, as in Committee of the Whole, inserted the following amendment:

SEMICENTENNIAL EXPOSITION.

For expenses semicentennial exposition: For celebration of semicentennial anniversary of the act of emancipation, as provided by "An act providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes," approved April 3, 1912, $250,000.

Mr. SMITH of Georgia. The mistake is this: The Senate has passed a bill providing an appropriation for the celebration and that bill is pending in the other House. The bill passed by the Senate carries its own appropriation.

The PRESIDENT pro tempore. The Chair will inquire of the chairman of the committee whether or not an estimate was made for this appropriation?

Mr. WARREN. Mr. President, the committee has no regular estimate for this amount.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. WARREN. There are no further reservations of amendments made as in Committee of the Whole, I believe.

The PRESIDENT pro tempore. If there be no further amendment in the Senate, the amendments will be ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DU PONT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

Mr. SMITH of Arizona. If the Senator will permit me, before the reading of the bill I ask unanimous consent to call up a joint resolution and have it passed. I do not think there will be any objection to it. It will not take a minute.

Mr. DU PONT. I will say to the Senator from Arizona that I shall have no objection to granting his request a little later on when the bill for which I have asked consideration is before the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Delaware? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

Mr. DU PONT. I now yield to the Senator from Arizona.

CLAIMS AGAINST MEXICO.

Mr. SMITH of Arizona. I ask unanimous consent for the present consideration of Senate joint resolution 103.

The PRESIDENT pro tempore. The Senator from Arizona asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 103) directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, to determine the amounts due, if any, and to press them for payment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized and directed to make, or cause to be made under his direction, a full and thorough investigation of each and all claims of American citizens and of persons domiciled in the United States which may be called to his attention by claimants or their attorneys for damages for injuries to their persons or property, received by them or by those of whom claimants may be the legal representatives, within the boundaries of the United States, by means of gunshot wounds or otherwise inflicted by Mexican Federal or insurgent troops during the late insurrection in Mexico in the year 1911.

For the purpose of such investigation the Secretary of War is authorized to appoint a commission of three officers of the Army, one of whom shall be an inspector general. Such commission shall have authority to subpœna witnesses, administer oaths, and to take evidence on oath relating to any such claim and to compel the attendance of witnesses and the production of books and papers in any such proceeding by application to the district court of the United States for the district within which any session of the commission is held, which court is hereby empowered and directed to make all orders and issue all processes necessary for that purpose, and said commission shall have all the powers conferred by law upon inspectors general of the United States Army in the performance of their duties. Such commission shall report to Congress, through the Secretary of War, as soon as practicable, its findings of fact upon each and all the claims presented to it and its conclusion as to the justice and equity thereof and as to the proper amount of compensation or indemnity thereupon.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory and growing out of the late insurrection in Mexico."

MILITARY ACADEMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. DU PONT. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with; that the bill be read for amendment, the committee amendments to be first considered.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Is there objection to the request of the Senator from Delaware? The Chair hears none.

The first amendment of the Committee on Military Affairs was, under the head of "Permanent establishment," on page 2, line 12, after the word "dollars," to insert:

Provided, That section 1315 of the Revised Statutes of the United States, fixing the membership of the Corps of Cadets at the United States Military Academy, is hereby amended by changing the clause "one from the District of Columbia" so as to read "two from the District of Columbia": *Provided further*, That hereafter any candidate designated as principal or alternate for appointment as cadet may present himself at any time for physical examination at West Point, N. Y., or other prescribed places, as may be designated by the Secretary of War: *Provided further*, That hereafter graduates of the Military Academy shall receive mileage as authorized by law for officers of the Army from West Point, N. Y., to the station which they first join for duty: *And provided further*, That hereafter whenever all vacancies at the Military Academy shall not have been filled as a result of the regular annual entrance examinations, the remaining vacancies shall be filled by admission from the list of alternates from the respective States in which the vacancies occur, selected in their order of merit established at such entrance examinations. The admissions thus made shall be credited to the United States at large and shall not interfere with or affect in any manner whatsoever any appointment authorized by existing law: *Provided*, That whenever, by the operation of this or any other law, the Corps of Cadets exceeds its authorized maximum strength as now provided by law, the admission of alternates as prescribed in this act shall cease until such time as the Corps of Cadets may be reduced below its present authorized strength.

The amendment was agreed to.

The next amendment was, on page 3, line 23, after the word "dollars," to insert: "*Provided*, That hereafter two assistant professors shall be authorized in the department of English and history, one for English and one for history," so as to make the clause read:

For pay of 10 assistant professors (captains), in addition to pay as first lieutenants, $4,000: *Provided*, That hereafter 2 assistant professors shall be authorized in the department of English and history, one for English and one for history.

The amendment was agreed to.

The next amendment was, on page 4, line 11, after the word "captain," to insert "in addition to his regular pay," so as to make the clause read:

For pay of one adjutant, who shall not be above the rank of captain, in addition to his regular pay, $600.

Mr. CULBERSON. Mr. President, I should like to ask the Senator in charge of the bill what is the present pay of the adjutant? I see it is here proposed to be increased by $600.

Mr. DU PONT. The pay the adjutant receives depends entirely upon his rank as an officer of the Army.

Mr. CULBERSON. The adjutant is usually a captain, is he not?

Mr. DU PONT. He is usually a captain in these days, though formerly it was not so. This is to make up his pay to $3,000—$50 a month additional.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, on page 8, after line 11, to insert:

Hereafter there shall be maintained at the United States Military Academy an engineer detachment, which shall consist of 1 first sergeant, 1 quartermaster sergeant, 6 sergeants, 8 corporals, 2 cooks, 2 musicians, 40 first-class privates, and 40 second-class privates.

For pay of such engineer detachment, $24,000; additional pay for length of service, $6,408: *Provided*, That the enlisted men of said detachment shall receive the same pay and allowances as are now or may be hereafter authorized for corresponding grades in the battalions of engineers: *Provided further*, That nothing herein shall be so construed as to authorize an increase in the total number of enlisted men of the Army now authorized by law.

The amendment was agreed to.

The next amendment was, on page 22, line 1, before the word "typewriter," to strike out "L. C. Smith No. 10," so as to make the clause read:

For one typewriter and cabinet, $120.

The amendment was agreed to.

The next amendment was, on page 34, line 18, after the words "remain so until," to strike out "expended" and insert "completion," so as to make the clause read:

For completion of the East Academic Building, including finished grading, approaches, etc., in accordance with the plans and specifications approved by the Secretary of War, to be immediately available and to remain so until completion, $95,117.

The amendment was agreed to.

The next amendment was, on page 35, line 1, after the word "Hereafter," to strike out "the Superintendent of the United States Military Academy is authorized to avail himself of leaves" and insert "the Secretary of War may grant the superintendent of the academy leave," and in line 4, after the words "period that," to strike out "he" and insert "the superintendent," so as to make the clause read:

Hereafter the Secretary of War may grant the superintendent of the academy leave of absence without deduction from pay or allowances for the same period that the superintendent may grant leave of absence to other officers of the academy under the provisions of section 1330 of the Revised Statutes.

The amendment was agreed to.

The next amendment was, on page 35, after line 6, to strike out:

No pay shall be withheld from Lieut. Col. J. M. Carson, jr., Deputy Quartermaster General, United States Army, because of the payment by him in May, 1909, when major and quartermaster, United States Army, for eight horses or polo ponies purchased pursuant to instructions from the Secretary of War for use in the instruction of cadets at the United States Military Academy.

The amendment was agreed to.

Mr. BACON. I offer the amendment I send to the desk, to be inserted at the close of the bill.

The SECRETARY. It is proposed to add at the end of the bill the following:

Provided, That any officer of the United States Army now holding the position of permanent professor at the United States Military Academy who on July 1, 1914, should have served not less than 33 years in the Army, one-third of which service shall have been as professor and instructor at the Military Academy, shall on that date have the rank, pay, and allowances of a colonel in the Army.

Mr. DU PONT. I accept the amendment proposed by the Senator from Georgia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENTS TO EXCISE BILL.

Mr. BORAH. I submit an amendment which I desire to offer to the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships. I ask that it be printed, lie on the table, and also be printed in the RECORD.

The PRESIDING OFFICER. In the absence of objection, that order will be made.

The amendment is as follows:

Amendment intended to be proposed by Mr. BORAH to the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, viz: Insert the following:

That from and after the 1st day of January, 1913, there shall be assessed, levied, collected, and paid annually upon the gains, profits, and income received in the preceding calendar year by every citizen of the United States, whether residing at home or abroad, and by every person residing in the United States, though not a citizen thereof, a tax of 2 per cent on the amount so received over and above $5,000; and a like tax shall be assessed, levied, collected, and paid annually upon the gains, profits, and income from all property owned and of every business, trade, or profession carried on in the United States by persons residing elsewhere.

Such gains, profits, and income shall include the interest received upon notes, bonds, and all other forms of indebtedness, except the obligations of the United States, States, counties, towns, districts, and municipalities; all amounts received as salary or compensation for services, except such as may have been received by State, county, town, district, or municipal officers; all profits realized within the year from the sale of real estate purchased within two years previous to the close of the year for which the income is estimated; the amount of all premiums on bonds, notes, or coupons; the amount received from the sale of merchandise, live stock, sugar, cotton, wool, butter, cheese, pork, beef, mutton, or other meats, hay, grain, vegetables, or other products; money and the value of all property acquired by gift, bequest, devise, or descent; and all other gains, profits, and income derived from any other kind of property, or from rents, dividends, interest, or from any profession, trade, business, employment, or vocation, carried on in the United States or elsewhere, or from any other source whatever: *Provided, however*, That it shall be proper to deduct from such gains, profits, and income all expenses actually incurred in conducting any business, occupation, or profession, including the amounts actually expended in the purchase or production of merchandise, live stock, and products of every kind; all interest due or paid within the year on existing indebtedness, and all national, State, county, town, district, and municipal taxes, not including those assessed against local benefits; all losses actually sustained during the year, incurred in trade or arising from fires, storms, or shipwreck, and not compensated for by insurance or otherwise; all debts ascertained to be worthless, and all losses within the year on sales of real estate purchased within two years previous to the year for which profits, gains, or income is estimated, but no deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments, made to increase the value of any property or estate; the amount received from any corporation, company, or association as dividends upon the stock of such corporation, company, or association if the tax of 3 per cent has been paid upon its net profits by said corporation, company, or asso-

ciation as required by this act: *Provided further*, That only one deduction of $5,000 shall be made from the aggregate income of all the members of any family composed of one or both parents and one or more minor children, or husband and wife, but guardians shall be allowed to make a deduction in favor of each and every ward, except where two or more wards are comprised in one family and have joint property interests, when the aggregate deduction in their favor shall not exceed $5,000.

That there shall be assessed, levied, and collected for the calendar year 1912, and for each calendar year thereafter, a duty of 2 per cent on the net gains, profits, and income over and above $5,000 of all corporations, companies, or associations organized for pecuniary profit under the laws of the United States or under the laws of any State or Territory or doing business for pecuniary profit in the United States, no matter where or how created or organized, but not including copartnerships. The aforesaid net gains, profits, or income of any such corporation, company, or association shall include its entire gains, profits, and income save and except the amounts paid out during the year for maintenance, operation, and a reasonable allowance for depreciation; and the Secretary of the Treasury is authorized to prescribe and establish such system of bookkeeping and reports as may be necessary to insure uniformity in this respect: *Provided, however*, That nothing herein contained shall apply to corporations, companies, or associations organized and conducted solely for charitable, religious, or educational purposes, including fraternal beneficiary societies, orders, or associations operating upon the lodge system and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, or associations and dependents of such members; nor to the stocks, shares, funds, or securities held by any fiduciary or trustee for charitable, religious, or educational purposes; nor to building and loan associations or companies which make loans only to their shareholders; nor to such savings banks, savings institutions, or societies as shall, first, have no stockholders or members except depositors and no capital except deposits; secondly, shall not receive deposits to an aggregate amount, in any one year, of more than $1,000 from the same depositor; thirdly, shall not allow an accumulation or total of deposits, by any one depositor, exceeding $10,000; fourthly, shall actually divide and distribute to its depositors, ratably to deposits, all the earnings over the necessary and proper expenses of such bank, institution, or society, except such as shall be applied to surplus; fifthly, shall not possess, in any form, a surplus fund exceeding 10 per cent of its aggregate deposits; nor to such savings banks, savings institutions, or societies composed of members who do not participate in the profits thereof and which pay interest or dividends only to their depositors; nor to that part of the business of any savings bank, institution, or other similar association having a capital stock, that is conducted on the mutual plan solely for the benefit of its depositors on such plan, and which shall keep its accounts of its business conducted on such mutual plan separate and apart from its other accounts; nor to any insurance company or association which conducts all its business solely upon the mutual plan and only for the benefit of its policy holders or members, and having no capital stock and no stock or share holders, and holding all its property in trust and in reserve for its policy holders or members; nor to that part of the business of any insurance company having a capital stock and stock and share holders, which is conducted on the mutual plan, separate from its stock plan of insurance, and solely for the benefit of the policy holders and members insured on said mutual plan, and holding all the property belonging to and derived from said mutual part of its business in trust and reserve for the benefit of its policy holders and members insured on said mutual plan; nor to any part of the business of any insurance company having a capital stock and stock and stockholders except as to those gains and profits and income legally distributable to such capital stock and among such stock and stockholders. All State, county, municipal, and town taxes paid by corporations, companies, or associations shall be included in the operating and business expenses of such corporations, companies, or associations: *Provided further*, That any stockholder of any corporation, company, or association the income of which is taxable and taxed under the provisions hereof, whose total income from all sources does not render him liable to the duty herein provided for, may, at any time within six months after the corporation or association of which he is a stockholder has paid the duty herein required, file a written application with the collector of the district in which he resides, in such form as the Secretary of the Treasury may prescribe, showing that his total income for the year under consideration, computed as hereinbefore set forth, did not exceed $5,000; such application shall be under oath and accompanied by such other proof as the rules and regulations may require. If the application and proof are satisfactory to the collector, and are approved by the Secretary of the Treasury, and it further appears that the gains or profits of any share or shares of capital stock owned by any such stockholder in any such corporation have been included in the income upon which the corporation has paid a duty, then the Secretary of the Treasury shall pay to the applicant the proportionate part which his share or shares contributed to such duty; the intent being to exempt any person whose total income, computed as herein provided, is not more than $5,000 from the payment directly or indirectly of an income duty; and the Secretary of the Treasury is expressly authorized to establish such rules and regulations, and to provide such forms, as will enable such persons to present their claims and receive their reimbursement with least difficulty and delay consistent with the due administration of the law.

It shall be the duty of all persons of lawful age having an income of more than $5,000 for the preceding year, computed on the basis herein prescribed, to make and render a list or return, on or before the second Monday in March of every year, in such form and manner as may be directed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to the collector or a deputy collector of the district in which they reside, of the amount of their gains, profits, and income as aforesaid; and all guardians and trustees, executors, administrators, agents, receivers, and all persons or corporations acting in any fiduciary capacity, shall make and render a list or return, as aforesaid, to the collector or a deputy collector of the district in which such person or corporation acting in a fiduciary capacity resides or does business, of the amount of gains, profits, and income of any minor or person for whom they act, but persons having less than $5,000 income are not required to make such report; and the collector or deputy collector shall require every list or return to be verified by the oath or affirmation of the party rendering it, and may increase the amount of any list or return if he has reason to believe that the same is understated; and in case any such person having a taxable income shall neglect or refuse to make and render such list or return, or shall render a willfully false or fraudulent list or return, it shall be the duty of the collector or deputy collector to make such list according to the best information he can obtain, by the examination of such person or any other evidence, and to add 50 per cent as a penalty to the amount of the tax due on such list in all cases of willful neglect or refusal to make and render a list or return; and in all cases of a willfully false or fraudulent list or return having been rendered to add 100 per cent as a penalty to the amount of tax ascertained to be due, the tax and the additions thereto as a penalty to be assessed and collected in the manner provided for in other cases of willful neglect or refusal to render a list or return, or of rendering a false or fraudulent return: *Provided*, That any person or corporation, in his, her, or its own behalf or as such fiduciary, shall be permitted to declare, under oath or affirmation, the form and manner of which shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, that he, she, or his or her or its ward or beneficiary was not possessed of an income of $5,000 liable to be assessed according to the provisions of this act; or may declare that he, she, or it, or his, her, or its ward or beneficiary has been assessed and has paid an income tax elsewhere in the same year, under authority of the United States, upon all his, her, or its gains, profits, and income, and upon all the gains, profits, and income for which he, she, or it is liable as such fiduciary, as prescribed by law; and if the collector or deputy collector shall be satisfied of the truth of the declaration, such person or corporation shall thereupon be exempt from income tax in the said district for that year; or if the list or return of any person or corporation, company, or association shall have been increased by the collector or deputy collector, such person or corporation, company, or association may be permitted to prove the amount of gains, profits, and income liable to be assessed; but such proof shall not be considered as conclusive of the facts, and no deductions claimed in such cases shall be made or allowed until approved by the collector or deputy collector. Any person or company, corporation, or association dissatisfied with the decision of the deputy collector in such cases may appeal to the collector of the district, and his decision thereon, unless reversed by the Commissioner of Internal Revenue, shall be final. If dissatisfied with the decision of the collector, such person or corporation, company, or association may submit the case, with all the papers, to the Commissioner of Internal Revenue for his decision, and may furnish the testimony of witnesses to prove any relevant facts, having served notice to that effect upon the Commissioner of Internal Revenue as herein prescribed. Such notice shall state the time and place at which, and the officer before whom, the testimony will be taken; the name, age, residence, and business of the proposed witness, with the questions to be propounded to the witness, or a brief statement of the substance of the testimony he is expected to give: *Provided*, That the Government may at the same time and place take testimony upon like notice to rebut the testimony of the witnesses examined by the person taxed. The notice shall be delivered or mailed to the Commissioner of Internal Revenue 15 days previous to the day fixed for taking the testimony, in which to give, should he so desire, instructions as to the cross-examination of the proposed witness. Whenever practicable, the affidavit or deposition shall be taken before a collector or deputy collector of internal revenue, in which case reasonable notice shall be given to the collector or deputy collector of the time fixed for taking the deposition or affidavit: *Provided further*, That no penalty shall be assessed upon any person or corporation, company, or association for such neglect or refusal or for making or rendering a willfully false or fraudulent return, except after reasonable notice of the time and place of hearing, to be prescribed by the Commissioner of Internal Revenue, so as to give the person charged an opportunity to be heard.

Every corporation, company, or association doing business for profit in the United States shall make and render to the collector of the collection district in which it has its principal office, or if it has no principal office then in which it is transacting business, on or before the second Monday in March in every year, a full return, verified by oath or affirmation, in such form as the Commissioner of Internal Revenue may prescribe, of all the following matters for the whole calendar year next preceding the date of such return:

First. The gross profits of such corporation, company, or association, from all kinds of business of every name and nature.

Second. The expenses of such corporation, company, or association, exclusive of interest, annuities, and dividends.

Third. The amount paid on account of interest, annuities, and dividends, stated separately.

Fourth. The amount paid in salaries, with a list of all officers, employees, and persons receiving more than $5,000 per annum, stating the name and address of such officers, employees, and persons.

Fifth. The net profits of such corporation, company, or association, without allowance for interest, annuities, or dividends.

And any corporation, company, or association failing to comply with the requirements of this section shall forfeit as a penalty the sum of $1,000 and 2 per cent on the amount of taxes due, for each month until the same is paid, the payment of said penalty to be enforced as provided in other cases of neglect and refusal to make return of taxes under the internal-revenue laws.

The taxes herein provided for shall be assessed by the Commissioner of Internal Revenue and collected and paid upon the gains, profits, and income for the year ending the 31st of December next preceding the time for levying, collecting, and paying said tax; shall be due and payable on or before the 1st day of July in each year; and to any sum or sums annually due and unpaid after the 1st day of July as aforesaid, and for 10 days after notice and demand thereof by the collector, there shall be added the sum of 5 per cent on the amount of taxes unpaid, and interest at the rate of 1 per cent per month upon said tax from the time the same becomes due, as a penalty, except from the estates of deceased, insane, or insolvent persons.

Any nonresident may receive the benefit of the exemptions hereinbefore provided for by filing with the deputy collector of any district a true list of all his property and sources of income in the United States and complying with the provisions of section — of this act as if a resident. In computing income he shall include all income from every source, but unless he be a citizen of the United States he shall only pay on that part of the income which is derived from any source in the United States. In case such nonresident fails to file such statement, the collector of each district shall collect the tax on the income derived from property situated in his district subject to income tax, making no allowance for exemptions, and all property belonging to such nonresident shall be liable to distraint for tax: *Provided*, That nonresident corporations shall be subject to the same laws as to tax as resident corporations, and the collection of the tax shall be made in the same manner as provided for collection of taxes against nonresident persons.

It shall be the duty of every collector of internal revenue, to whom any payment of any taxes is made under the provisions of this act, to give to the person making such payment a full written or printed

receipt, expressing the amount paid and the particular account for which such payment was made; and whenever such payment is made such collector shall, if required, give a separate receipt for each tax paid by any debtor, on account of payments made to or to be made by him to separate creditors in such form that such debtor can conveniently produce the same separately to his several creditors in satisfaction of their respective demands to the amounts specified in such receipts; and such receipts shall be sufficient evidence in favor of such debtor to justify him in withholding the amount therein expressed from his next payment to his creditor; but such creditor may, upon giving to his debtor a full written receipt, acknowledging the payment to him of whatever sum may be actually paid, and accepting the amount of tax paid as aforesaid (specifying the same) as a further satisfaction of the debt to that amount, require the surrender to him of such collector's receipt.

Sections 3167, 3172, 3173, and 3176 of the Revised Statutes of the United States as amended are hereby amended so as to read as follows:

"SEC. 3167. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return by any person or corporation, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof, to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law, any income return or any part thereof or the amount or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office and be incapable thereafter of holding any office under the Government.

"SEC. 3172. Every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay any internal-revenue tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects.

"SEC. 3173. It shall be the duty of any person, partnership, firm, association, or corporation made liable to any duty, special tax, or other tax imposed by law, when not otherwise provided for, in case of a special tax, on or before the 31st day of July in each year, in case of income tax on or before the first Monday of March in each year, and in other cases before the day on which the taxes accrue, to make a list or return, verified by oath or affirmation, to the collector or a deputy collector of the district where located, of the articles or objects, including the amount of annual income, charged with a duty or tax, the quantity of goods, wares, and merchandise made or sold, and charged with a tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: *Provided*, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles, or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles, and objects liable to pay any duty or tax, or any business or occupation liable to pay any tax as aforesaid, then, and in that case, it shall be the duty of the collector or deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: *Provided further*, That in case no annual list or return has been rendered by such person to the collector or deputy collector as required by law, and the person shall be absent from his or her residence or place of business at the time the collector or a deputy collector shall call for the annual list or return, it shall be the duty of such collector or deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post office a note or memorandum addressed to such person, requiring him or her to render to such collector or deputy collector the list or return required by law, within 10 days from the date of such note or memorandum, verified by oath or affirmation. And if any person on being notified or required as aforesaid shall refuse or neglect to render such list or return within the time required as aforesaid or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is false or fraudulent, or contains any undervaluation or understatement, it shall be lawful for the collector to summon such person, or any other person having possession, custody, or care of books of account containing entries relating to the business of such person, or any other person he may deem proper, to appear before him and produce such books, at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects liable to tax or the returns thereof. The collector may summon any person residing or found within the State in which his district lies; and when the person intended to be summoned does not reside and can not be found within such State, he may enter any collection district where such person may be found, and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

"SEC. 3176. When any person, corporation, company, or association refuses or neglects to render any return or list required by law, or renders a false or fraudulent return or list, the collector or any deputy collector shall make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector, and on his own view and information, such list or return, according to the form prescribed, of the income, property, and objects liable to tax owned or possessed or under the care or management of such person, or corporation, company, or association; and the Commissioner of Internal Revenue shall assess all taxes not paid by stamps, including the amount, if any, due for special tax, income or other tax, and in case of any return of a false or fraudulent list or valuation intentionally he shall add 100 per cent to such tax; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add 50 per cent to such tax. In case of neglect occasioned by sickness or absence as aforesaid the collector may allow such further time for making and delivering such list or return as he may deem necessary, not exceeding 30 days. The amount so added to the tax shall be collected at the same time and in the same manner as the tax unless the neglect or falsity is discovered after the tax has been paid, in which case the amount so added shall be collected in the same manner as the tax; and the list or return so made and subscribed by such collector or deputy collector shall be held prima facie good and sufficient for all legal purposes."

Mr. CLAPP. I desire to ask the Senator from Idaho if the proposed amendment which he has just offered relates to the corporation tax?

Mr. BORAH. It relates to the excise bill, which is an extension of the corporation tax.

Mr. CLAPP. Yes. Is it designed to repeal the exemption of holding companies from the payment of taxes under the old corporation-tax law?

Mr. BORAH. No.

Mr. CLAPP. Then I desire to offer an amendment to the same bill, which I ask may be printed and lie on the table. I also desire to have it printed in the RECORD.

The PRESIDING OFFICER. Without objection, that order will be made.

The amendment is as follows:

Amendments intended to be proposed by Mr. CLAPP to the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, viz:

The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out the words "exclusive of amounts received by it as dividends upon stock of other corporations, joint-stock companies, or associations, or insurance companies, subject to the tax hereby imposed" where they occur in section 38 of said act; also by striking out of said section 38 of said act the words "(fifth) all amounts received by it within the year as dividends upon stock of other corporations, joint-stock companies, or associations, or insurance companies, subject to the tax hereby imposed" wherever they occur in the second paragraph of said section 38 of said act; also by striking out of said section 38 of said act the words "also the amount received by such corporations, joint-stock companies, or associations, or insurance companies within the year by way of dividends upon stock of other corporations, joint-stock companies, or associations, or insurance companies, subject to the tax imposed by this section" where they occur in the third paragraph of said section 38 of said act.

LEGISLATIVE ASSEMBLY FOR ALASKA.

Mr. SMITH of Michigan. I ask unanimous consent to call from the calendar the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which has been reported from the Committee on Territories with amendments.

Mr. SMITH of Michigan. This is the Alaska civil-government bill. I do not know that it requires any special elucidation on my part. It is appropriate, has been long delayed, and should pass the Senate promptly.

Mr. CULLOM. It should be read, at any rate.

Mr. SMITH of Michigan. I will ask that it be read.

The PRESIDING OFFICER. Does the Senator from Michigan ask that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered?

Mr. SMITH of Michigan. I do.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CLAPP. While it is true that the bill has been before the Senate for some time, I think I ought to suggest to the Senator from Michigan that he have the entire bill read. It will probably save a great deal of discussion.

Mr. SMITH of Michigan. Very well. I yield to the suggestion of the Senator from Minnesota, and ask that the bill be read in its entirety.

Mr. CULLOM. Read it in full.

The PRESIDING OFFICER. The Senator from Michigan demands the reading of the bill in full. The Secretary will read the bill in full.

The Secretary read the bill.

Mr. SMITH of Michigan. I ask that the amendments of the committee may be read by the Secretary, and adopted.

Mr. BORAH. The request of the Senator from Michigan is simply that the Senate concur in the amendment reported by the committee.

Mr. SMITH of Michigan. Yes.

Mr. BORAH. That does not include, as I understand, any material matter in section 9. No amendments to that section are, I understand, printed in the bill.

Mr. SMITH of Michigan. That section will be reached in order, I will say to the Senator from Idaho.

Mr. BORAH. After the committee amendments are disposed of, then there will be an opportunity to offer amendments.

Mr. NELSON. I suggest to the Senator from Michigan that the amendments be taken up in their order and acted upon separately.

Mr. SMITH of Michigan. I am just asking that that course be taken, and will gladly meet the wishes of my honored friend from Minnesota.

The PRESIDING OFFICER. The Senator from Michigan asks that the bill be considered for amendment, the committee amendments to be first considered. Without objection, that course will be taken. The Secretary will report the first committee amendment.

The first amendment was, in section 3, page 2, line 16, to strike out "game and fish" and insert "game, fish, and fur-seal," so as to read:

Provided, That the authority herein granted to the legislature to alter, amend, modify, and repeal laws in force in Alaska shall not extend to the customs, internal-revenue, postal, or other general laws of the United States or to the game, fish, and fur-seal laws of the United States applicable to Alaska.

The amendment was agreed to.

The next amendment was, on page 2, line 17, after the word "Alaska," to insert:

Or to the laws of the United States providing for taxes on business and trade, or to the act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, and the several acts amendatory thereof.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 5, after the article "a," to insert "legislative assembly, to be hereafter called the"; in line 7, after the article "a," to strike out "senate and a"; in the same line, after "representatives," to strike out "The senate shall consist of eight members, two from each of the four judicial divisions into which Alaska is now divided by act of Congress, each of whom shall have at the time of his election the qualifications of an elector in Alaska, and shall have been a resident and an inhabitant in the division from which he is elected for at least two years prior to the date of his election. The term of office of each member of the senate shall be four years: *Provided*, That immediately after they shall be assembled in consequence of the first election they shall, by lot or drawing, be divided in each division into two classes; the seats of the members of the first class shall be vacated at the end of two years and the seats of the members of the second class shall be vacated at the end of four years, so that one member of the senate shall, after the first election, be elected biennially at the regular election from each division. The house of representatives shall consist" and insert "composed"; on page 4, line 2, after the word "years," to strike out "and each person shall possess the same qualifications as prescribed for members of the senate. The" and insert "each of whom shall have at the time of his election the qualifications of an elector in Alaska and shall have been an actual resident and inhabitant in the division from which he is elected for at least two years prior to the time of his election, and the four"; in line 8, after the word "persons," to strike out "having" and insert "receiving"; in line 9, after the word "votes," to strike out "in each of said senate districts for members of the senate shall be declared elected, and the persons having the highest number of legal votes for the house of representatives" and insert "for such office in each of said judicial divisions"; in line 13, after the word "be," to strike out "declared" and insert "deemed"; in the same line, after the word "elected," to strike out "*Provided*, That in case two or more persons voted for have an equal number of votes, and in"; in line 15, before the words "a vacancy," insert "In case of"; in the same line, after "vacancy," to strike out "otherwise occurs in either branch of the legislature"; in line 16, after "order," to strike out "a new" and insert "an"; in line 17, after "election," to insert "to fill such vacancy, giving due and proper notice thereof"; in line 18, after "member," to strike out "of the legislative assembly"; in line 20, after "while," to strike out "the legislative assembly is"; and in line 23, after "route," to strike out "and no more," so as to make the section read:

SEC. 4. The legislature: That the legislative power and authority of said Territory shall be vested in a legislative assembly, to be hereafter called the legislature, which shall consist of a house of representatives, composed of 16 members, 4 from each of the 4 judicial divisions into which Alaska is now divided by act of Congress. The term of office of each representative shall be for two years, each of whom shall have at the time of his election the qualifications of an elector in Alaska and shall have been an actual resident and inhabitant in the division from which he is elected for at least two years prior to the time of his election, and the 4 persons receiving the highest number of legal votes for such office in each of said judicial divisions shall be deemed elected. In case of a vacancy the governor shall order an election to fill such vacancy, giving due and proper notice thereof. That each member shall be paid by the United States the sum of $15 per day for each day's attendance while in session, and mileage, in addition, at the rate of 15 cents per mile for each mile from his home to the capital and return by the nearest traveled route.

Mr. BORAH. Mr. President, I wish to ask the Senator in charge of the bill for some information. I understand the bill provides for a legislature composed of 16 members.

Mr. SMITH of Michigan. We have struck out the House provision, which provided for two chambers, and provided a single chamber, which shall be denominated the legislature.

Mr. BORAH. Simply one body?

Mr. SMITH of Michigan. One chamber.

Mr. BORAH. How are the members of that body to be elected?

Mr. SMITH of Michigan. By direct vote of the people of Alaska. They are to be elected in the same manner as the Delegate in Congress.

Mr. BORAH. The legislature is to be composed of 16 members, 4 from each judicial division?

Mr. SMITH of Michigan. Yes.

Mr. BORAH. And they are to be elected by the people?

Mr. SMITH of Michigan. They are.

Mr. BORAH. I heard a statement read about $15 a day. Is that to be the pay of members of the legislature?

Mr. SMITH of Michigan. Yes. The regular session is limited, however, to 60 days and special sessions to 15 days.

Mr. NEWLANDS. Mr. President, I ask the Senator from Michigan whether he does not think it would be better to substitute for the per diem an allowance for the session? As I understand it, this legislature is limited in its regular session to 60 days and in its special session to 15 days. If, then, the legislature is in session throughout the entire 60 days the total compensation of each legislator would be about $900, and for each special session of 15 days the total compensation would be $225.

My observation with reference to the legislature is that where a per diem is given the legislature is likely to sit throughout the entire period, and often unnecessarily. It is desirable that ample compensation should be given to the legislators, for in a Territory such as Alaska the expenses of the election are very large. In many of the States a single legislator will spend in the expenses of the election the entire sum that he receives during the session.

It seems to me that they ought to have the stimulus and the advantage of the knowledge that if the public business can be transacted in a less period than 60 days it should be done, and we should encourage them in that direction without reducing their pay. Obviously, it would be unfair to put these men to the expense of an election and then expect them to remain in session only 15 or 20 days, with a limited per diem which would not reimburse them the expenses of their election.

It strikes me it would be a great deal better to fix the compensation of the regular session at $900, in the hope that they would get through it in half of the 60 days, and to make the compensation at the special session $225. I know that change has been made beneficially in a number of States of late years.

Mr. SMITH of Michigan. The committee, after giving the matter very careful thought, determined to limit the length of the regular session to 60 days and an extraordinary session to 15 days. We felt that a per diem for the time actually spent would be better than a gross sum, and that it would insure a more prompt attendance of members than if they should receive an annual salary regardless of attendance. At least this course can be tried, and if it does not work out satisfactorily it can be changed. What we are attempting to do is largely experimental and may call for further review, but for the present we feel that this plan can be tried with perfect propriety.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from South Dakota?

Mr. SMITH of Michigan. I do.

Mr. CRAWFORD. I lived in a Territory a great many years, and the sessions of the legislature were limited to 60 days; and the sessions of the legislature of the State which succeeded the Territory were limited to 60 days. I think a limitation of 60 days upon a Territorial legislature gives a sufficient protection against any undue prolongation of a session. The fact is that 60 days is a short time for a State legislature or a Territorial legislature, particularly in Alaska, with the immense geographical extent and the variety of situations in it, to transact the necessary business.

A great many of its members come into the legislature for the first time, and not being familiar with legislative practice or procedure or rules, they are necessarily novices, and it takes half the 60 days for them to learn to do committee work and

to transact the business. I think, however, there is sufficient protection here in the limitation of 15 days for a special session and of 60 days for a regular session.

Mr. NEWLANDS. I believe, of course, in the limitation as to time prescribed in the bill. The only question is as to whether a lump sum should be given or whether it should be a per diem compensation. I believe in a lump-sum payment. I believe you would encourage a better class of men to go to the legislature by making them feel assured that by going there and acting promptly in a businesslike way and dispatching the business they can get away in less than 60 days, and at the same time receive a compensation that will cover the expenses of their election and justify them in running for the legislature.

I know this change has been made in a number of legislatures; I can not specify them just now; but it has been made in the New York Legislature, it has been made in the Virginia Legislature, and in others. In my own State of Nevada some of us have considered the advisability of urging the substitution of a lump sum for a per diem in the hope that it would encourage men of capacity and ability to go to the legislature with the assurance that the time would not be unnecessarily taken up in a prolonged session.

Mr. JONES. Mr. President, the financial consideration has evidently weight in regard to the length of the session. Might not the payment of a lump sum lead to an early adjournment of the regular session and a failure to pass necessary laws so that a special session would be necessary? In that way they would get the compensation of the regular session and also compensation for the special session.

Mr. NEWLANDS. I do not think it would lead to an unnecessarily early adjournment of the legislature. On the contrary, I believe it would result in the expedition of the public business, and, above all, it would encourage men to go to the legislature who would be willing to go there for 15 or 30 days with the assumption that during that time they could dispatch all the necessary business, but who would be unwilling to go there for a period of 60 days with the consciousness that they would be held by their associates in order to gain the necessary per diem.

Mr. JONES. Will the Senator yield further? Does the Senator think we should encourage too hasty a consideration of legislation by offering such inducements to cut the term down so short? It seems to me 60 days is a very reasonable limitation upon a legislative body——

Mr. NEWLANDS. I agree with the Senator.

Mr. JONES (continuing). To pass upon matters that will come up in Alaska. So with the compensation fixed at $15 a day I am rather inclined to think it would secure better service than with the lump sum mentioned by the Senator, without encouraging haste in disposing of the legislation.

Mr. NEWLANDS. I am not disposed to press this suggestion in the form of an amendment against the views of the committee. I simply made the suggestion. I am confident that the legislature ought to be encouraged to adjourn early instead of prolonging its sessions, provided it does the work; but I believe you would get a very much better class of men by giving them ample compensation for a term which they could make short or long as they chose than by absolutely compelling them to sit 60 days in order to secure the compensation which the law entitles them to.

Mr. HEYBURN. Mr. President, the election in November and the meeting of the legislature the first Monday of March do not seem to me to promise well for Alaska. The northern district of Alaska is so situated that it must rely upon the navigable streams for transportation and access to the capital. The Yukon River closes up in September. The election would be held about two months after the navigable streams of Alaska were closed with ice. People in the northern district of Alaska as a rule—that is, people who are able—aim to leave that country for the winter not later than September. So they would not conveniently be present in that district at the time the election was held. If an election was held in November it would necessarily follow that they must remain there until after the election, and then those elected as members of the legislature must reach the capital at Juneau prior to March. That is a closed season, between November and March, to a great deal of Alaska. There are only certain sections of it that are open during that time.

It does not seem to me that the selection of the date of the election is wise nor is the date selected for the meeting of the legislature practicable at all. You are going to provide that the members elected must reach the capital and enter upon the performance of their duty and perform it within 60 days. Now, that would be from March to June.

The ice on the Yukon very frequently does not break up until after June, and the question arises in my mind as to whether you would have any legislature at all unless they selected only members living in such places as would be exempt from the restrictions of navigation and travel. It would seem to me that the election should be in the open season and the meeting of the legislature as well in the open season.

I think the election in Alaska should be after the breaking up of the ice in the rivers and the opening of the trails for travel. There are no roads to speak of. There are no railroads. It is very doubtful whether there could be assembled a legislature in March that would be representative of Alaska.

Mr. SMITH of Michigan. If the Senator from Idaho will permit me, the time for the election and the time for the assembling of the legislature was given very careful thought by the committee, and we reached the conclusion that the season of the year named in the bill would be the most propitious both for the election and for the assembling of the legislature, because the roads and trails will all be open, and Juneau, the capital, is accessible from land and sea at that time. Over $2,000,000 have been spent on roads in Alaska.

Mr. HEYBURN. Accessible by water?

Mr. SMITH of Michigan. Yes; Juneau is an open port all the year and can be reached both by water and by land. This was one of the reasons for leaving the capital there. Some of us would have been glad to change it to Fairbanks or Seward, both more central but not as accessible.

Mr. HEYBURN. I would have to be shown some changed conditions that would justify me in believing that Juneau would be available by any road or trail at that season of the year. There is a certain class of hardy citizens who can take a dog team and traverse any part of the country, but they are not the men who go to legislatures. They are the hardy frontiersmen, who would hardly be selected for the performance of those duties. The class of men equipped to perform the duties of a legislator would not undertake to make a trip from places like Circle City and some of those points in northern Alaska either in November or in March.

I have been there in November. I know something of the conditions that exist in Alaska in November. I have been there also during the summer months. I feel confident that during July, August, and early September the citizens of Alaska could assemble for the purpose of holding an election or for the purpose of attending a legislature, but I do not believe that during the month of November it would be safe to rely upon conditions of travel that would enable them to assemble.

The worst of all is March, the time fixed for the meeting of the legislature. Alaska is as completely a closed country in March to-day as it ever was. There have been no means of transportation developed in Alaska that make it more convenient to travel to-day in March than 50 years ago. I remember slight exceptions, which are not of sufficient importance to be considered in determining this matter.

I have no doubt at all that the committee has to the extent of its ability and in the exercise of its best judgment arrived at the conclusions expressed in this bill, but why it should have selected the closed season for both the election and the meeting of the legislature is beyond my comprehension. If there were no other season, if there were no open season, then it might be that they would be compelled to accept conditions, however burdensome or difficult they might be.

I merely call attention to this more for the purpose of calling for an expression of opinion from those having the bill in charge, that we may have some information as to the mental processes that led to the conclusions expressed in the bill.

Mr. SMITH of Michigan. Mr. President, the committee, of course, was guided somewhat by the suggestion of the Territorial Delegate from Alaska upon that point. He said:

> The country is all frozen solid by the last of November, and you can travel everywhere. The trails are good, and in March the days are long, and you can travel from Nome, the most distant point, up the river by way of Fairbanks or cross over by Seward, and get to the capital very quickly.
>
> Senator BRISTOW asked:
>
> How are conditions in May when the time comes to adjourn?
>
> The Delegate replied:
>
> The rivers are open by the 10th of May, and you can travel by boat. There is no difficulty in traveling at that time.

With that information before us we felt that there was nothing to do but acquiesce in the period named. But this whole matter is always under the control of Congress. Congress may change the date or even the capital at any time. There is not a provision in this proposed law that Congress may not alter or repeal at pleasure, including the time of voting, the qualifica-

tions of electors, and the time of the meeting of the legislature. I should like to see this plan tried. The Territory is entitled to this consideration at our hands. It has 64,356 people and is larger in population and area than any other Territory at the time it was organized, including Mississippi, Indiana, Michigan, Illinois, Missouri, Wisconsin, Oregon, Minnesota, Utah, Washington, Dakota, Nevada, Arizona, Idaho, and Wyoming, and its population is more dense per square mile than any of these States were when they were given Territorial government, while the white population of Alaska has increased from 2,186 in 1880 to 6,121 in 1890, and to 30,493 in 1900 and 36,347 in 1910. The judicial districts which constitute the unit or representative subdivision, from which the members of the legislature are to be chosen, contain 15,216 in the first judicial district, 12,361 in the second, 20,073 in the third, and 16,711 in the fourth subdivision.

Our Government paid to Russia $7,200,000 for Alaska in 1867, and have expended in appropriations since that date $28,608,674, or a total for this investment of $35,816,674, and in return this vast and unexplored empire has contributed to the tangible wealth of the Union nearly $200,000,000 in gold, nearly $10,000,000 in copper, over $51,000,000 in fur-seal skins, over $20,000,000 in other furs, nearly $150,000,000 in fishery products, and over $17,000,000 in revenue receipts and other products, all aggregating nearly $450,000,000. There is nothing comparable to this wonderful development in the history of any like territorial area in our country. While its vast resources still await the real touch of enterprise and opportunity, no one pretends to comprehend the extent of its coal and copper deposits, but future generations will draw upon it for manifold blessings.

Commercially, Alaska is closely related to our people and its trade flows through American channels. We do more business with the people of Alaska than we do with either Scotland, Spain, Austria-Hungary, Switzerland, Denmark, Sweden and Norway, and other European States with whom we have treaties of commerce and amity, while the trade with this rich possession exceeds our trade with Hawaii, the Philippines, and Porto Rico, and most of the South American Republics, aggregating annually more than $56,000,000. To treat this dependency ungenerously would not be creditable to us as a Nation, while our solicitude will foster the American spirit and people this rich possession with hardy American pioneers who will prove a source of strength in the development of its vast natural resources, permanently extending the zone of American influence and widening the markets for the products of American genius.

Mr. HEYBURN. I realize that we have got to try this out, and if we find it is not practicable or that the law fails in application, we will have to change it. The Delegate from Alaska is excellent authority in regard to these questions. He was the United States judge in Alaska for a number of years. He has traveled over it generally, and I would be inclined to accept his conclusions in regard to the matter, always applying such knowledge as I might have from other sources.

Now, the Delegate from Alaska is a very robust and hardy pioneer. He has made those trips behind dogs on sledges under conditions that, perhaps, not one member selected to the legislature out of twenty could endure. It is not probable that all the men sent to the legislature in Alaska will have the robust strength of the Delegate from Alaska. So you will have to pay some attention to the selection of candidates for the legislature and their physical conditions, perhaps, more than to their other accomplishments. Sometimes the ice is out at the 10th of May, but I can readily recall occasions when it was not out for 30 days after that time.

I merely desired the RECORD to show that these questions received attention at the time of the enactment of the legislation.

I came out of Alaska on one occasion certainly late in November. It would have been very difficult for any but robust persons to make the trip at that time. The snow was several feet deep, and it was snowing every day and piling up. I do not know how much it continued to pile up after I left Alaska, but when I left there was snow enough on the ground to supply all of the United States. I think it stayed there the following spring until some time in June. I do not think the river is open until considerably after the 1st of June. We are taking chances on the rooming of the legislature at the capital. I think if the suggestion made by the Senator from Nevada [Mr. NEWLANDS], that they might want to get away sooner, were put into practical operation you would find they would not be able to get away, perhaps, for a month or six weeks after the adjournment, and some provision should be made for provisioning the members of the legislature until they could return to their homes.

I was just thinking as the measure was being read that perhaps this legislature would be inspired with the brilliant idea of establishing a system of primary elections. The primary elections would necessarily come along during January and February, or else they would come along in the fall before the general election and after the rivers were closed. If they contemplate multiplying elections in Alaska as they have been multiplying them in other parts of the United States, the people who took an interest in politics might count on spending all their time either going to or returning from a primary or a general election for the legislature. I think each of them would occupy about one-third of the year. So we would have of necessity a class of men in Alaska whose sole and exclusive business it was to participate in the political affairs of that Territory. Probably that might work out very well. They might become accustomed to it and trained to it, and might eventually develop into what are sometimes called statesmen; that is, men who make a business of engaging in political affairs. We never know whether a man is a statesman or not unless he does. I have heard it suggested that there are in the great body of the people others who are capable of being statesmen, but the only way in which a statesman is really developed is by experience in the open field of political controversy.

I have called attention to these matters in order that when, after the first attempt to elect and convene a legislature, and to perform the duties of such a body results in a failure of half the members to reach the place where the legislature meets, or a failure of the citizenship to elect anybody to the legislature, because there is no one left in the country on account of it being a closed season, I shall after those conditions have developed and we are called upon to change the time, I suppose, as suggested by the Senator from Michigan, we can change the duties; but you will have to provide for sending to the legislature very stalwart men if you expect them to reach the capital between the 1st of December, which would be as early as they could gather their dogs and pack their sledges with pemmican and a few other things they might need to bring with them, and the time the legislature meets. Alaska should have some local self-government, but it ought to be in the summer time.

Mr. SMITH of Michigan. I ask for the adoption of the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Territories was, in section 6, page 6, line 8, after the word "governor," to insert "which shall set forth the object thereof and give at least 30 days' written notice to each member of said legislature"; in line 12, before the word "days," to strike out "30" and insert "15"; in line 13, after the word "session," to strike out "not longer than 30" and insert "for a period not exceeding 15"; and in line 16, before the word "public," to strike out "grave," so as to make the section read:

SEC. 6. Convening and sessions of legislature: That the Legislature of Alaska shall convene at the capitol at the city of Juneau, Alaska, on the first Monday in March in the year 1913 and on the first Monday in March every two years thereafter; but the said legislature shall not continue in session longer than 60 days in any two years unless again convened in extraordinary session by a proclamation of the governor, which shall set forth the object thereof and give at least 30 days' written notice to each member of said legislature, and in such case shall not continue in session longer than 15 days. The governor of Alaska is hereby authorized to convene the legislature in extraordinary session for a period not exceeding 15 days when requested to do so by the President of the United States, or when any public danger or necessity may require it.

Mr. FALL. Mr. President, I should like to ask the Senator in charge of the bill if it is the intention, by section 6, to provide for an unlimited number of extraordinary sessions of the legislature in Alaska, or is it the intention to limit the number to one extraordinary session in two years?

Mr. SMITH of Michigan. Mr. President, the committee thought the time during which the legislature could sit on call of the governor should be limited to 15 days.

Mr. FALL. I think the committee has carried that out all right, for, even though the legislature can be called in extraordinary session only once upon the initiative of the governor, it can be called in session as many times as the President of the United States may see fit to call them.

Mr. SMITH of Michigan. Exactly.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, in section 7, page 6, line 19, after the word "legislature," to strike out "shall convene under the law, the senate and house of representatives shall each" and insert "convenes it shall"; in line 21, after the words "one of," to strike out "their number" and insert "its members"; in line 22, after the word "designated," to strike out "in the case of the senate as 'president of the senate' and in the case

of the house of representatives"; in line 24, after the words "of the," to strike out "house of representatives" and insert "legislature"; in line 25, after the word "election," to strike out "by each body of the" and insert "of the following"; and, in line 26, after the word "officers," to strike out "provided for the house of representatives in section 1861 of the United States Revised Statutes of 1878, and each of said subordinate officers shall receive the compensation provided in that section" and insert "One chief clerk, who shall receive a compensation of $8 per day, and of one assistant clerk, one enrolling clerk, one engrossing clerk, one sergeant at arms, one doorkeeper, one messenger, and one watchman, who shall each receive a compensation of $5 per day during the sessions, and no charge for a greater number of officers and attendants, or any larger per diem, shall be allowed or paid by the United States to the Territory of Alaska," so as to make the section read:

SEC. 7. Organization of the legislature: That when the legislature convenes it shall organize by the election of one of its members as presiding officer, who shall be designated as "speaker of the legislature," and by the election of the following subordinate officers: One chief clerk, who shall receive a compensation of $8 per day, and of one assistant clerk, one enrolling clerk, one engrossing clerk, one sergeant at arms, one doorkeeper, one messenger, and one watchman, who shall each receive a compensation of $5 per day during the sessions, and no charge for a greater number of officers and attendants, or any larger per diem, shall be allowed or paid by the United States to the Territory of Alaska: *Provided*, That no person shall be employed for whom salary, wages, or compensation is not provided in the appropriation made by Congress.

Mr. ASHURST. Mr. President, I should like to propose an amendment to that section by inserting after the word "clerks," in line 7, the words "one journal clerk."

Mr. SMITH of Michigan. Mr. President, I trust the Senator will wait until after the committee amendments have been completed.

Mr. ASHURST. Very well.

Mr. JONES. I suggest to the Senator from Michigan that the amendment proposed by the Senator from Arizona is to an amendment of the committee.

Mr. SMITH of Michigan. If it is an amendment to a committee amendment, it can be offered now.

Mr. ASHURST. I think the distinguished Senator from Michigan will observe the necessity for a journal clerk.

The PRESIDENT pro tempore. The amendment of the Senator from Arizona to the amendment of the committee will be stated.

The SECRETARY. On page 7, line 7, after the words "engrossing clerk," it is proposed to amend the amendment of the committee by inserting "one journal clerk."

Mr. SMITH of Michigan. If the Senator from Arizona will permit me, we have followed the exact language of the statute with reference to the organization of the United States House of Representatives, and I think under the general power conferred they will have the right to select a journal clerk.

Mr. ASHURST. These officials are to be paid for by the United States. I will simply say that when the Western States were Territories, before they were erected into States, they had journal clerks and they were found to be necessary.

Mr. SMITH of Michigan. We have, as I have stated, followed the statute, and I am inclined to think that we have provided enough places for the Legislature of Alaska.

Mr. ASHURST. It is necessary that a record of the proceedings should be kept. The enrolling clerk can not do that.

Mr. SMITH of Michigan. The record can be kept by the clerk.

Mr. ASHURST. By what clerk?

Mr. SMITH of Michigan. By the clerk of the legislature.

Mr. ASHURST. He will not have an opportunity to write out the journal.

Mr. SMITH of Michigan. An assistant clerk is provided, and it seems to me that is ample.

Mr. ASHURST. My experience in legislatures throughout the West makes me feel that it is important to propose the amendment and to suggest to the Senate that a proper record should be kept, and that a journal clerk is necessary, because the chief clerk or his assistant and the enrolling and engrossing clerks could hardly perform the work.

Mr. SMITH of Michigan. We all feel as the Senator from Arizona does, that a record should be kept; but we think the clerk and assistant clerk ought to be competent to do that work. We have followed the statute and we feel that we have gone as far as we ought to go. No such request has been made on the part of the Delegate from Alaska or anyone else. If they have not sufficient clerks to do that work of course that will have to be provided for later.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Arizona to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, in section 8, page 7, line 16, after the words "by the," to strike out "legislative assembly" and insert "legislature"; in line 18, after the word "Alaska," to strike out "To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every"; in line 21, before the word "law," to insert "No"; in the same line, after the word "embrace," to strike out "but" and insert "more than"; in the same line, after the word "subject," to strike out "and that" and insert "which"; and in line 22, before the word "title," to strike out "the" and insert "its," so as to make the section read:

SEC. 8. Enacting clause—Subject of act: That the enacting clause of all laws passed by the legislature shall be "Be it enacted by the Legislature of the Territory of Alaska." No law shall embrace more than one subject, which shall be expressed in its title.

The amendment was agreed to.

The next amendment was, in section 9, page 8, line 15, before the words "of business," to strike out "conducting" and insert "conduct"; and in line 23, after the word "association," to insert "but the authority embraced in this section shall only permit the organization of corporations or associations whose chief business shall be in the Territory of Alaska," so as to read:

SEC. 9. Legislative power—Limitations: The legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States, but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of nonresidents be taxed higher than the lands or other property of residents; nor shall the legislature grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the affirmative approval of Congress; nor shall the legislature pass local or special laws in any of the cases enumerated in the act of July 30, 1886; nor shall it grant private charters or special privileges, but it may, by general act, permit persons to associate themselves together as bodies corporate for manufacturing, mining, agricultural, and other industrial pursuits, and for the conduct of business of insurance, savings banks, banks of discount and deposit (but not of issue), loans, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association, but the authority embraced in this section shall only permit the organization of corporations or associations whose chief business shall be in the Territory of Alaska.

The amendment was agreed to.

The next amendment was, in section 8, page 10, line 15, before the word "indebtedness," to insert "authorized"; in the same line, after the word "indebtedness," to strike out "incurred, or warrants or other evidences of indebtedness issued"; on page 11, line 3, after the word "no," to strike out "act" and insert "acts"; and in line 9, after the word "null," to strike out "utterly," so as to make the proviso read:

Provided, That all authorized indebtedness shall be paid in the order of its creation; all taxes shall be uniform upon the same class of subjects and shall be levied and collected under general laws, and the assessments shall be according to the actual value thereof. No tax shall be levied for Territorial purposes in excess of 1 per cent upon the assessed valuation of property therein in any one year; nor shall any incorporated town or municipality levy any tax, for any purpose, in excess of 2 per cent of the assessed valuation of property within the town in any one year: *Provided*, That the Congress reserves the exclusive power for five years from the date of the approval of this act to fix and impose any tax or taxes upon railways or railway property in Alaska, and no acts or laws passed by the Legislature of Alaska providing for a county form of government therein shall have any force or effect until it shall be submitted to and approved by the affirmative action of Congress; and all laws passed, or attempted to be passed, by such legislature in said Territory inconsistent with the provisions of this section shall be null and void: *Provided further*, That nothing herein contained shall be held to abridge the right of the legislature to modify the qualifications of electors by extending the elective franchise to women.

The amendment was agreed to.

The next amendment was, in section 10, page 11, line 15, before the word "shall," to strike out "senate and house of representatives" and insert "legislature"; in the same line, after the word "shall," to strike out "each"; in line 18, after the word "members," to strike out "of either house"; in line 20, after the word "entered," to strike out "on" and insert "upon"; in line 21, before the word "members," to strike out "number of"; in line 22, before the word "shall," to strike out "to which each house is entitled"; in the same line, after the word "quorum," to strike out "of such house"; in line 23, before the word "business," to strike out "ordinary"; in the

same line, after the word "business," to strike out "of which quorum a majority vote shall suffice" and insert "and no legislative act shall be valid unless voted for by at least nine members"; and on page 12, line 3, before the words "may provide," to strike out "each house" and insert "the legislature," so as to make the section read:

SEC. 10. Rules, quorum, and majority: That the legislature shall choose its own officers, determine the rules of its own proceedings not inconsistent with this act, and keep a journal of its proceedings; that the ayes and noes of the members on any question shall, at the request of one-fifth of the members present, be entered upon the journal; that a majority of the members shall constitute a quorum for the conduct of business, and no legislative act shall be valid unless voted for by at least nine members; that a smaller number than a quorum may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the legislature may provide; that for the purpose of ascertaining whether there is a quorum present the presiding officer shall count and report the actual number of members present.

The amendment was agreed to.

The next amendment was, in section 12, page 12, line 19, after the word "functions," to strike out "in either house"; in line 22, after the word "attendance," to strike out "at" and insert "upon"; and in the same line, after the word "sessions," to strike out "of the respective houses" and insert "thereof," so as to make the section read:

SEC. 12. Exemptions of legislators: That no member of the legislature shall be held to answer before any other tribunal for any words uttered in the exercise of his legislative functions. That the members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance upon the sessions thereof, and in going to and returning from the same: *Provided*, That such privilege as to going and returning shall not cover a period of more than 10 days each way, except in the second division, when it shall extend to 20 days each way, and the fourth division to 15 days each way.

The amendment was agreed to.

The next amendment was, in section 13, page 13, line 4, after the word "readings," to strike out "in each house"; in line 5, after the word "which," to strike out "in each house"; in line 6, after the word "members," to strike out "to which such house is entitled"; in line 8, after the words "by the," to strike out "house in which it originated or in which amendments thereto shall have originated" and insert "legislature"; in line 10, after the words "immediately be," to strike out "engrossed" and insert "enrolled and"; and in line 11, after the word "clerk," to strike out "and sent to the other house for consideration," so as to make the section read:

SEC. 13. Passage of laws: That a bill in order to become a law shall have three separate readings, the final passage of which shall be by a majority vote of all the members taken by ayes and noes, and entered upon its journal. That every bill, when passed by the legislature, shall immediately be enrolled and certified by the presiding officer and the clerk.

The amendment was agreed to.

The next amendment was, in section 14, page 13, line 16, after the words "shall be," to strike out "certified by the presiding officers and clerks of both houses and shall thereupon be"; in line 19, after the word "law," to insert "at the expiration of 90 days thereafter, unless sooner given effect by a two-thirds vote of said legislature"; on page 14, line 2, after the word "governor," to strike out "each house of"; and in line 7, after the word "members," to strike out "to which each house is entitled," so as to make the section read:

SEC. 14. The veto power: That, except as herein provided, all bills passed by the legislature shall, in order to be valid, be signed by the governor. That every bill which shall have passed the legislature shall be presented to the governor. If he approves it, he shall sign it and it shall become a law at the expiration of 90 days thereafter, unless sooner given effect by a two-thirds vote of said legislature. If the governor does not approve such bill, he may return it, with his objections, to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes, but shall veto other bills, if at all, only as a whole. That upon the receipt of a veto message from the governor the legislature shall enter the same at large upon its journal and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal. If, after such reconsideration, such bill or part of a bill shall be approved by a two-thirds vote of all the members it shall thereby become a law. That if the governor neither signs nor vetoes a bill within three days (Sundays excepted) after it is delivered to him, it shall become a law without his signature, unless the legislature adjourns sine die prior to the expiration of such three days. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by its adjournment, prevents the return of the bill, in which case it shall not be a law.

The amendment was agreed to.

The next amendment was, in section 16, page 15, line 11, before the word "resolutions," to strike out "joint"; in line 15, after the word "make," to strike out "provision" and insert "provisions"; and in line 16, before the word "resolutions," to strike out "joint," so as to make the section read:

SEC. 16. Laws transmitted to President and printed: That the governor of Alaska shall, within 90 days after the close of each session of the Legislature of the Territory of Alaska, transmit a correct copy of all the laws and resolutions passed by the said legislature, certified to by the secretary of the Territory, with the seal of the Territory attached, one copy to the President of the United States and one to the Secretary of State of the United States; and the legislature shall make provisions for printing the session laws and resolutions within 90 days after the close of each session and for their distribution to public officials and sale to the people of the Territory.

The amendment was agreed to.

The next amendment was, on page 15, after line 19, to insert as a new section the following:

SEC. 17. Election of Delegates: That after the year 1912 the election for Delegate from the Territory of Alaska, provided by "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906, shall be held on the Tuesday next after the first Monday in November in the year 1914, and every second year thereafter on the said Tuesday next after the first Monday in November, and all of the provisions of the aforesaid act shall continue to be in full force and effect and shall apply to the said election in every respect as is now provided for the election to be held in the month of August therein: *Provided*, That the time for holding an election in said Territory for Delegate in Alaska to the House of Representatives to fill a vacancy, whether such vacancy is caused by failure to elect at the time prescribed by law or by the death, resignation, or incapacity of a person elected, may be prescribed by an act passed by the Legislature of the Territory of Alaska: *Provided further*, That when such election is held it shall be governed in every respect by the laws passed by Congress governing such election.

The amendment was agreed to.

The next amendment was, on page 16, after line 16, to insert as a new section the following:

SEC. 18. Creating railroad commission: That an officer of the Engineer Corps of the United States Army, a geologist in charge of Alaska surveys, an officer in the Engineer Corps of the United States Navy, and a civil engineer who has had practical experience in railroad construction and has not been connected with any railroad enterprise in said Territory be appointed by the President as a commission hereby authorized and instructed to conduct an examination into the transportation question in the Territory of Alaska; to examine railroad routes from the seaboard to the coal fields and to the interior and navigable waterways; to secure surveys and other information with respect to railroads, including cost of construction and operation; to obtain information in respect to the coal fields and their proximity to railroad routes; and to make report of the facts to Congress on or before the 1st day of December, 1912, or as soon thereafter as may be practicable, together with their conclusions and recommendations in respect to the best and most available routes for railroads in Alaska which will develop the country and the resources thereof, and the best system of constructing and operating railroads and coal mines in the said Territory for the use of the Government in naval and military operations and for the use of the people of the United States: *Provided further*, That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of said commission.

The PRESIDENT pro tempore. Does the Senator from Michigan desire the words in italics that are stricken out in that amendment to be left out?

Mr. SMITH of Michigan. Yes; the word "and," in line 19, on page 16, is not necessary.

The PRESIDENT pro tempore. It is an unusual thing.

The amendment was agreed to.

The next amendment was, on page 17, after line 21, to insert as a new section the following:

SEC. 19. That the Committee on Territories of the Senate and the Committee on the Territories of the House of Representatives are hereby authorized, empowered, and directed to jointly codify, compile, publish, and annotate all the laws of the United States applicable to the Territory of Alaska, and said committees are jointly authorized to employ such assistance as may be necessary for that purpose; and the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to cover the expenses of said work, which shall be paid upon vouchers properly signed and approved by the chairmen of said committees.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. JONES. After the word "laws," in line 17, page 2, I move to insert "and laws relating to fur-bearing animals."

Mr. SMITH of Michigan. I hope that amendment will be adopted.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In section 3, page 2, line 17, after the word "laws," it is proposed to insert:

And laws relating to fur-bearing animals.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RETRIAL OF MILITARY ACADEMY CADETS.

Mr. SWANSON. I ask unanimous consent for the present consideration of Senate joint resolution 99. It has heretofore been read and considered.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on

August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

EXPERIMENT STATION AT PLAINVIEW, TEX.

Mr. CULBERSON. I ask unanimous consent for the present consideration of Senate bill 7071.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 7071) to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Plainview, Hale County, in the State of Texas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $50,000, or so much thereof as may be necessary, out of any money in the Treasury arising from the sale of public lands, to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Plainview, Hale County, in the State of Texas; for the purchase of a suitable site and necessary farming land, to be selected by the Secretary of Agriculture; for the erection of buildings and other improvements to adapt such site to the purpose of making it an experimental farm to demonstrate the character of plants, shrubs, and trees best adapted to the soil and climate of that section; and for the purchase of necessary stock, implements, and machinery for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINING LAWS FOR ALASKA.

Mr. CHAMBERLAIN. I am directed by the Committee on Territories, to which was referred the bill (H. R. 18033) to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes, to report it without amendment. I will state that it is a unanimous report by the committee. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. In the absence of objection, the report will be received. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That no association placer-mining claim shall hereafter be located in Alaska in excess of 40 acres, and on every placer-mining claim hereafter located in Alaska, and until a patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year, including the year of location, for each and every 20 acres or excess fraction thereof.

SEC. 2. That no person shall hereafter locate any placer-mining claim in Alaska as attorney for another unless he is duly authorized thereto by a power of attorney in writing, duly acknowledged and recorded in any recorder's office in the judicial division where the location is made. Any person so authorized may locate placer-mining claims for not more than two individuals or one association under such power of attorney, but no such agent or attorney shall be authorized or permitted to locate more than two placer-mining claims for any one principal or association during any calendar month, and no placer-mining claim shall hereaffer be located in Alaska except under the limitations of this act.

SEC. 3. That no person shall hereafter locate, cause or procure to be located, for himself more than two placer-mining claims in any calendar month: *Provided*, That one or both of such locations may be included in an association claim.

SEC. 4. That no placer-mining claim hereafter located in Alaska shall be patented which shall contain a greater area than is fixed by law, nor which is longer than three times its greatest width.

SEC. 5. That any placer-mining claim attempted to be located in violation of this act shall be null and void, and the whole area thereof may be located by any qualified locator as if no such prior attempt had been made.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF INJURED GOVERNMENT EMPLOYEES.

Mr. CRAWFORD. I ask unanimous consent for the present consideration of House bill 24121, which includes several personal-injury claims where unfortunate families in distress are dependent upon the action of the Senate. I think there will be no opposition to the bill.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

The Secretary proceeded to read the bill, and read as follows:

Be it enacted, etc., That $61,555.74 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay certain employees of the United States Government for personal injuries received while in the discharge of their duties, without any fault on their part, and to pay certain other claims arising under the various departments of the United States Government as hereinafter stated, the same being in full, the receipt of the same to be taken in each case as full and final release and discharge of the respective claims, namely.

Mr. CRAWFORD. The committee instruct me to offer an amendment, on page 1, in line 3, reducing the amount from $61,554.74 to $20,981.38.

The PRESIDENT pro tempore. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. On page 1, line 3, after the word "That," it is proposed to strike out "$61,555.74" and to insert "$20,981.38."

The amendment was agreed to.

The next amendment was, on page 2, line 5, after the word "thousand," to strike out "five hundred," so as to make the clause read:

To pay $1,000 to Alice M. Burrows, widow of Leslie Burrows, late rural mail carrier on route No. 2, Coal Run, Ohio, who lost his life in discharge of his duty.

The amendment was agreed to.

The next amendment was, on page 2, after line 17, to strike out:

To pay $2,750 to Oscar F. Lackey, for injuries received while in the employ of the Isthmian Canal Commission as assistant engineer in construction of the Panama Canal on November 21, 1905.

The amendment was agreed to.

The next amendment was, on page 2, line 23, before the word "thousand," to strike out "one" and insert "two," and in the same line, after the word "thousand," to strike out "two" and insert 'five," so as to make the clause read:

To pay $2,500 to Pedro Sanches, as compensation for the loss of both hands, which were blown off by a premature explosion of dynamite in Culebra Cut, Canal Zone, on March 16, 1908.

The amendment was agreed to.

The next amendment was, on page 3, line 9, before the word "five," to strike out "one thousand," and in line 10, after the word "injuries," to strike out "and the loss of a leg" and insert "sustained," so as to make the clause read:

To pay $500 to Benjamin Demorest, for personal injuries sustained while employed on the United States lighthouse tender Oleander, on the Mississippi River.

The amendment was agreed to.

The next amendment was, on page 3, after line 12, to strike out the following clause:

To pay $1,200 to John H. Rheinlander, an employee of the Government in the Quartermaster's Department, United States Army, St. Louis, Mo., for permanent lameness and other injuries received in line of duty.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to strike out the remainder of the bill, as follows:

To pay $165 to Stanley J. Morrow, for certain property appropriated to the use of the United States Army at Fort Custer, Dak., in the year 1880.

To pay $26,538 to the legal representatives of James H. Dennis, this amount having been found due said James H. Dennis by the Court of Claims.

To pay $4,581.24 to Herbert O. Dunn, said amount having been found due him by the Court of Claims, as set forth in Senate Document No. 245, second session, Fifty-ninth Congress.

To pay $164.47 to the legal representatives of Peter Deel, for carrying mail on route No. 7487, State of Mississippi, said amount standing to his credit in the office of the Auditor for the Post Office Department.

To pay $1,000 to J. N. Whittaker, of Richmond, Va., for service rendered by him to the United States in March, 1904, and June, 1906, in the matter of acquiring title by the United States to land necessary for the improvement of the Appomattox River, Va.

To pay $27 to W. H. Carter, of Wilkes County, N. C., in full compensation for services and expenses incurred as brandy gauger during December, 1897.

The amendment was agreed to.

Mr. CRAWFORD. Mr. President, everything was stricken out of this bill except personal-injury claims. I move, therefore, at the end of line 8, on the first page, after the word "part," that a period be inserted instead of the comma, and that after the word "part," in the same line, the following words be stricken out:

And to pay certain other claims arsing under the various departments of the United States Government as hereinafter stated.

The SECRETARY. On page 1, line 8, strike out the comma at the end of the line and insert a period.

The amendment was agreed to.

The PRESIDENT pro tempore. What does the Senator propose to do with the next line?

Mr. CRAWFORD. To strike it out.

The SECRETARY. And it is proposed to strike out, beginning in line 9, the following:

And to pay certain other claims arising under the various departments of the United States Government as hereinafter stated.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from South Dakota to the period after the word "part" in line 8.

Mr. CRAWFORD. I think that should be a semicolon.

The PRESIDENT pro tempore. That would be better.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DESERTIONS FROM THE ARMY AND NAVY.

Mr. BRISTOW. I ask unanimous consent for the present consideration of the bill (H. R. 17483) amending section 1998 of the Revised Statutes of the United States, and to authorize the President, in certain cases, to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 13, after the word "interests," to insert a colon and the following proviso:

And provided further, That the provisions of section 1118 of the Revised Statutes of the United States that no deserter from the military service of the United States shall be enlisted or mustered into the military service, and the provisions of section 2 of the act of Congress approved August 1, 1894, entitled "An act to regulate enlistments in the Army of the United States," shall not be construed to preclude the reenlistment or muster into the Army of any person who has deserted, or may hereafter desert, from the military service of the United States in time of peace, or of any soldier whose service during his last preceding term of enlistment has not been honest and faithful, whenever the reenlistment or muster into the military service of such person or soldier shall, in view of the good conduct of such person or soldier subsequent to such desertion or service, be authorized by the Secretary of War.

The amendment was agreed to.

Mr. BRISTOW. I desire to offer an amendment, to be known as section 2, which I send to the desk. It simply makes the provisions of the bill applicable to the Navy as well as the Army.

The PRESIDENT pro tempore. The Senator from Kansas offers an amendment, which will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 2. That section 1420 of the Revised Statutes, as amended by the acts of Congress approved May 12, 1879, and February 23, 1881, be, and the same is hereby, amended to read as follows:

"SEC. 1420. No minor under the age of 14 years, no insane or intoxicated person, and no person who has deserted in time of war from the naval or military service of the United States shall be enlisted in the naval service."

That section 1624, article 19, of the Revised Statutes, as amended by the act of Congress approved May 12, 1879, be, and the same is hereby, amended to read as follows:

"SEC. 1624. Article 19. Any officer who knowingly enlists into the naval service any person who has deserted in time of war from the naval or military service of the United States, or any insane or intoxicated person, or any minor between the ages of 14 and 18 years, without the consent of his parents or guardian, or any minor under the age of 14 years, shall be punished as a court-martial may direct."

The amendment was agreed to.

Mr. BACON. I do not wish to be understood as objecting in any manner to this bill, but I should like to have some little explanation of it. I do not know really what it provides.

Mr. BRISTOW. The present law imposes upon a deserter in the Army or the Navy in time of peace, if it is simply for some dereliction, as if he became intoxicated and is gone a day or two and comes back, the same penalty as if he deserted in time of war in the face of the enemy. It disfranchises him, and he can not have the rights of citizenship, and he can never enlist. There is no forgiveness.

The Secretary of the Navy and the Secretary of War have felt for years that desertion because of some trivial matter in time of peace should not be punished so severely. Frequently a soldier who may have deserted in that way wants to reenlist. According to the statute he is barred from reenlistment. Even years of good conduct will not excuse him.

This bill simply enables the President to make an exception in such cases, when the offense has been committed in time of peace.

Mr. BACON. That is the general drift and purpose of the bill?

Mr. BRISTOW. Yes, sir; that is it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act amending sections 1998, 1420, and 1624 of the Revised Statutes of the United States, and to authorize the President, in certain cases, to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service, and to authorize certain reenlistments in the Army and naval service."

STANDARDIZATION OF APPLES AND APPLE BARRELS.

Mr. WATSON. I am directed by the Committee on Interstate Commerce, to which was referred the bill (H. R. 21480) to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes, to report it favorably with amendments, and I submit a report (No. 968) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill indicated by the Senator from West Virginia?

Mr. JONES. I will ask the Senator from West Virginia whether or not this bill relates in any way to apples packed in boxes?

Mr. WATSON. It does not.

Mr. JONES. Does it attempt in any way to regulate or standardize apples?

Mr. WATSON. It does. It attempts to standardize apples that are shipped in barrels.

If the Senator will wait until the committee amendments have been stated he will understand it better.

Mr. JONES. I do not like to object to the Senator's bill, but it is a matter in which our people are very much interested. I should like to have an opportunity to look it over.

Mr. WATSON. I ask the Senator to wait until he hears the committee amendments read.

Mr. JONES. I will wait until I hear them read.

Mr. DU PONT. Mr. President, I understand this bill has passed the House of Representatives by a unanimous vote; I consider it a very important and a very useful bill to all persons engaged in the growth and sale of apples; and I hope the Senator from Washington will withdraw his objection.

Mr. JONES. I have not made any objection to the consideration of the bill, but I desire to know what the amendments are. My people are very much interested in this matter, and I do not want their rights to be jeopardized.

The PRESIDENT pro tempore. The amendments reported by the Committee on Interstate Commerce will be stated.

The SECRETARY. On page 2 strike out the letters "U. S." where they appear before the word "standard," in line 8, and also in line 10 and line 13; on page 3, line 21, after the word "shall," insert the word "knowingly"; in line 23, after the word "dollar," insert "and costs"; and after the word "jurisdiction," in line 25, page 3, strike out down to and including the word "eight," in line 7, page 4.

Mr. CLAPP. The letters "U. S." should be stricken out wherever they occur in the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. JONES. I desire to say that I have had no communication from the people of my State in reference to the measure. I understand it only standardizes apples packed in barrels. Therefore I will not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The amendments which have been stated, as well as those suggested by the Senator from Minnesota [Mr. CLAPP], will be regarded as agreed to now as in Committee of the Whole.

Mr. HEYBURN. I have had much correspondence in regard to this proposed legislation. I do not happen to have it in the Chamber, because I did not anticipate that the measure would now be up for consideration. I would not undertake from memory to state just what application it would have, but I ask the Senator reporting the bill if it affects apples other than those shipped when packed in barrels?

Mr. WATSON. It does not in any way affect apples except those packed in barrels.

Mr. HEYBURN. Apples shipped in bulk, in cars, would not be affected?

Mr. WATSON. No; not in any way.

Mr. HEYBURN. I did not catch any provision in the bill which required them to be marked at all. In other words, would it not be possible just to ship them marking them "apples" without making any statement in regard to them?

Mr. WATSON. In bulk?

Mr. HEYBURN. In barrels.

Mr. WATSON. They can be shipped in anyway, in barrels, without putting the standard grades on them?

Mr. HEYBURN. There is no prohibition against packing apples in barrels and shipping them and just marking them "apples"?

Mr. WATSON. None whatever.

Mr. HEYBURN. But if you undertook to make a statement, it must be true?

Mr. WATSON. It must be correct.

Mr. HEYBURN. That is the extent of it?

I regret I did not know the measure was coming up, in order that I might have looked over the correspondence. There are very large growers who pack in boxes and who also ship in bulk and in barrels across our State lines, between the State of Washington, the State of Idaho, the State of Montana, and the State of Utah. The apples are shipped in large quantities in the car in bulk for the purpose of being sorted and packed or converted into other products.

I would not want to see our people embarrassed by legislation to which we do not give more consideration than we are able at this time to give to the pending bill. But on the assurance of the Senator from West Virginia that this bill does not undertake to regulate in any way apples except those packed and shipped in barrels and that this only requires that the statements made shall be true, I do not object.

Mr. WATSON. I can assure the Senator that his constituents have withdrawn opposition to the bill and are satisfied with it.

Mr. HEYBURN. We have two classes of shippers; we have the boxers and we have the others.

Mr. SMITH of Michigan. I simply wish to say, Mr. President, that the importance of this legislation has been impressed upon me from various sources by the people of my State. The Apple Growers' Association out there are practically a unit in favor of this legislation, saying it will be wholesome and helpful, and I hope the bill will pass.

The PRESIDENT pro tempore. The Secretary will resume stating the committee amendments.

The SECRETARY. On page 3, line 9, strike out the initials "U. S."; in line 14 strike out the initials "U. S."; in line 20, after the word "shall," insert "knowingly."

The amendment was agreed to.

Mr. POMERENE. I offer the amendment to section 1 which I send to the desk.

The SECRETARY. On page 1, line 9, after the word "inches," insert the following proviso:

Provided, That steel barrels containing the interior dimensions provided for in this section shall be construed as a compliance therewith.

Mr. WATSON. I accept the amendment.

The amendment was agreed to.

Mr. POMERENE. I offer the amendment I send to the desk.

The SECRETARY. On page 2, lines 8, 9, and 13, and on page 3, lines 9 and 14, after the word "standard," insert the word "grade."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DANIEL W. ABBOTT.

Mr. PAGE obtained the floor.

Mr. HEYBURN. Will the Senator from Vermont permit me, before he calls up the larger measure, to call up a House bill on the calendar, which it will take but a moment to consider? I should like to have unanimous consent for its present consideration. It will not be in the way of the larger measure.

Mr. PAGE. I yield.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (H. R. 12375) authorizing Daniel W. Abbott to make homestead entry.

The bill is favorably reported from the committee, and it is to authorize Daniel W. Abbott to make certain homestead entries under conditions where his rights have been wrongfully forfeited.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VOCATIONAL EDUCATION.

Mr. PAGE. Mr. President, I gave notice some days ago that on July 24 I would ask the Senate to take up the bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure.

I realize that there are several Senators here who have short bills to which there is no objection which they wish to call up. Therefore I will ask consent to call up the bill, and after 15 minutes I will ask that it be laid aside. I have a few unimportant amendments which I should like to submit to perfect the bill, and having them here, if Senators will give me unanimous consent to bring up the bill at this time, having offered them, I will yield and allow the bill to be laid aside.

I ask unanimous consent to call up the bill.

Mr. THORNTON. Mr. President, will the Senator withdraw his request for a moment, until I can ask unanimous consent for the consideration of a short bill which can be very quickly disposed of?

Mr. PAGE. I would be very happy to do so but for the fact that there are several other Senators who have bills which they desire taken up, and I would hardly feel like giving way at this time. I shall promise to be very brief about my bill, if I can have unanimous consent to have it taken up now.

Mr. THORNTON. Does the Senator expect the bill to be taken up and disposed of?

Mr. PAGE. No. I say I will not take more than 15 minutes.

The PRESIDENT pro tempore. The bill has been read and certain amendments have been agreed to. The Senator from Vermont asks unanimous consent for the present consideration of the bill that he may propose further amendments. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PAGE. On page 2, line 7, after the word "grade," I move to insert a comma; on line 8, after the word "education," I move to insert "in agriculture and home making for persons above 12 years of age, and in the trades and industries."

The amendment was agreed to.

Mr. PAGE. On page 6, line 13, I move to strike out the word "four" before the word "hundred" and insert the word "six," and in the same line, before the word "thousand," to strike out "eighty" and insert "forty."

The amendment was agreed to.

Mr. PAGE. On page 7, line 22, I move to strike out the word "four" and insert "six"; in line 23, before the word "thousand," to strike out "eighty" and insert "forty"; and in line 25, before the word "thousand," to strike out "ten" and insert "twenty."

The amendment was agreed to.

Mr. PAGE. On page 8, line 1, after the word "allotted," I move to strike out "to each of the 48 States for the benefit of such departments or divisions of education" and insert:

For the use and benefit of said departments or divisions of education in land-grant colleges in each of the 16 States which maintain separate land-grant colleges for persons of the colored race, $10,000 of which shall be for the education of persons of the white race and $10,000 for the education of persons of the colored race; and $10,000 shall be annually allotted for the use and benefit of said departments or divisions of education in each of those States which do not maintain separate land-grant colleges for persons of the colored race.

I want to say, in regard to the amendment, that it was in the bill originally, and upon the motion of the Senator from Georgia, or, I think, the Senator from South Carolina, it was stricken out. Now, as I understand, they consent that it be restored, and I make that motion.

Mr. SMITH of Georgia. I do not desire that the amendment shall be adopted with the impression that I consent to it. I wish to act hereafter as I shall see fit in the premises without any committal now. As I understand the plan of the bill it is to give special support to our negro agricultural colleges throughout the South. To this I did not object, if it is to in no way interfere with the general appropriation to each State.

Mr. PAGE. That is exactly what the amendment does and nothing more, I will say to the Senator, and I think it fully carries out the purpose which he and I discussed together and on which we have about agreed. But if there is any objection hereafter I shall be very glad to meet his wishes in the matter.

The amendment was agreed to.

Mr. PAGE. On line 12, I move to strike out the words "household arts" and insert "home economics."

The amendment was agreed to.

Mr. PAGE. On page 11, line 10, I move to strike out the words "by making" and insert the words "to make."

The amendment was agreed to.

Mr. PAGE. At the end of the same line, following the word "in," I move to insert the words "relation to."

The amendment was agreed to.

Mr. PAGE. On the same page, line 19, I move to strike out the words "by making" and insert the words "to make."

The amendment was agreed to.

Mr. PAGE. In the same line, after the word "investigations," I move to insert the words "relating to education and research."

The amendment was agreed to.

Mr. PAGE. On page 13, line 8, after the word "thereof," I move to insert the words "or through its board for vocational education."

The amendment was agreed to.

Mr. PAGE. On page 25, line 14, after the word "If" and before the word "Congress," I move to insert the words "the next."

The amendment was agreed to.

Mr. PAGE. On page 26, line 12, after the word "of," I move to insert the words "either State and local or."

The amendment was agreed to.

Mr. PAGE. I now ask that the bill may be laid aside.

Mr. JONES. Before that is done I should like to suggest an amendment on page 8.

Mr. PAGE. I wish to say that I designed myself to offer that amendment, and with the Senator's consent I will offer it now.

Mr. JONES. Very well.

Mr. PAGE. On page 8, before the word "schools," I move to strike out the word "training," and after the word "schools" to insert the words "furnishing special training."

The amendment was agreed to.

Mr. SMITH of Georgia. I ask that the bill be ordered reprinted as amended.

The PRESIDENT pro tempore. Without objection, that order will be made.

Mr. PAGE. I see no objection, although aside from the amendments which Senators will recall, they are all practically unimportant.

Mr. SMITH of Georgia. Still, I think the bill is so important that we ought to have it in its perfected shape.

Mr. PAGE. Of course I have no objection.

The PRESIDENT pro tempore. Without objection, the bill will be printed as amended.

Mr. PAGE. I now ask that the bill be laid aside.

The PRESIDENT pro tempore. It will be laid aside.

JESUS SILVA, JR.

Mr. CATRON. I ask for the present consideration of the bill (H. R. 24598) for the relief of Jesus Silva, jr.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration.

It directs the Commissioner of the General Land Office to cause to be issued to Jesus Silva, jr., a patent to the following-described lands: Lots 3, 4, and 5 of sec. 25, T. 21 S., R. 1 W., New Mexico principal meridian, Las Cruces, N. Mex., land district, being the tract embraced in his homestead entry made October 5, 1905, upon which cash certificate issued February 3, 1909. But in said patent there shall be expressly reserved to the United States, or its successors, the right to take or use, without compensation to patentee or his grantees, any or all of the said lands needed for or in connection with the construction, maintenance, and operation of the Rio Grande reclamation project.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE G. HAWKINS.

Mr. DU PONT. I ask unanimous consent to call up the bill (S. 117) granting an increase of pension to Annie G. Hawkins.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie G. Hawkins, widow of Hamilton S. Hawkins, late brigadier general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

Mr. McCUMBER. I do not wish to agree to that yet. I wish to see the report of the committee.

The PRESIDENT pro tempore. The report is at the desk. Does the Senator desire to have it read?

Mr. McCUMBER. I would ask the Secretary to read the views of the minority.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

VIEWS OF THE MINORITY.

Mr. McCUMBER, on the part of the minority of the committee, submits the following views:

The minority of the Committee on Pensions, feeling that the claim for a special bill in this case is wholly unjustified from any standpoint, submit the following reasons for their refusal to concur with the majority of the committee in reporting this bill favorably:

COMMITTEE ON PENSIONS CREATED TO RELIEVE CASES OF DESTITUTION ONLY.

Preceding the rules which have governed the committee for many years, is a note which read as follows:

"NOTE.—The Pension Committees of the two Houses of Congress were created to consider a very few claims in which, from their peculiar circumstances of extreme disability and destitution, adequate relief could not be obtained from the bureau. * * *. Nor is it the policy of the Government to provide full support for soldiers or their widows, but solely to prevent absolute want, and it is believed, therefore, that private pension legislation should be restricted to cases of such extreme destitution as renders assistance imperative."

Rule 7 provides:

"Where the widow of an officer is pensioned under the act of April 19, 1908, an increase will not be recommended in excess of the general-law rating for his rank; in cases where the circumstances suggest that a lower rate would be proper such lower rate only will be recommended."

Rule 7 also provides:

"No increase of pension to widows will be recommended above the general-law rating except in cases of destitution, to be substantiated by competent testimony, and the word "destitution" will be held to mean the same when applied to an officer or his widow as when applied to a private or his widow; it will not be contracted or expanded to meet particular cases."

These rules are recited, first, to show the purposes of private pension legislation; and second, to show wherein the particular case in question should be governed by those rules.

Mrs. Hawkins filed a certificate reporting her income to be about $1,300 a year.

Our rule says, and that rule harmonizes with justice and right, that the word "destitution" shall not be expanded or contracted to meet any special case, but that it shall mean the same when applied to the widow of an officer as when applied to the widow of a private.

The general law may make a distinction, but the special bill, which is intended to reach cases of destitution only, never ought to be used for any other purpose.

If the widow of a private soldier presented her claim for an increase of pension, and in her claim admitted that she had an income of $1,300 a year, such claim would not receive a moment's consideration, and justly so. If we should grant such a widow an increase of pension, then we should by a single law give every other widow a like pension.

Although we have sometimes failed, we consider it our duty to at all times protest against the function of the Committee on Pensions being exercised in selecting a few favorites, granting them pensions when we would not grant them in other cases, and thus laying the committee open to a just criticism, that it is departing from its proper purposes. If Mrs. Hawkins is entitled to $50 per month, then every widow whose income is not more than $1,300 per year, and whose husband gave honorable services during the war, should be granted $50 per month.

Mr. DU PONT. Mr. President, without criticizing the propriety of the rules adopted by the Committee on Pensions, which, in ordinary cases, are doubtless proper and expedient, I submit that at the present time there are 72 widows of officers of the Army and Navy who are drawing pensions from $125 down to $50 a month. In the majority of these cases it is not claimed that the beneficiaries have an income greater than $600 a year, which seems to be the arbitrary line of demarcation between destitution and affluence as established by the Pension Committee; but there are quite a number of cases where the rules in question have been waived and where the condition of the private resources of the beneficiaries will compare favorably with that of Mrs. Hawkins.

The minority report says that—

If Mrs. Hawkins is entitled to $50 per month, then every widow whose income is not more than $1,300 per year and whose husband gave honorable services during the war should be granted $50 per month.

I do not consider this a fair statement, inasmuch as Mrs. Hawkins's claims are based not upon "honorable services during the war"—whatever this may mean—but upon her husband's long, faithful, and honorable service of 49 continuous years in the United States Army—from the beginning of the Civil War, in 1861, until 1910—and more especially and particularly for most extraordinary and distinguished services at the Battle of San Juan, July 1, 1898. At a critical moment of this battle Gen. Hawkins saw that the fortunes of the day could only be retrieved by the capture of the blockhouse on San Juan Hill, the key of the Spanish position, and, after soliciting and receiving permission to advance, he successfully assaulted and carried the position, thereby saving the American Army from serious disaster. As Gen. Hawkins was wounded in this attack, his two aids killed, and one-fourth of his brigade left on the field of

battle, I believe it to be not only entirely prudent and safe, but absolutely right and proper for Congress to deliberately establish a precedent for rewarding services of such a character. Few and far between in the future will be those who can present similar claims.

Mrs. Hawkins is almost 70 years of age, infirm in health, and has an invalid daughter dependent upon her for support, and I trust that the bill for her relief may be favorably considered by the Senate.

Mr. McCUMBER. I should like to ask the Senator from Delaware one question. Does the Senator believe or does he not believe that we ought to have a general law fixing the amount which should be granted to the widows of officers of the Civil War? Does he believe or does he not believe that we ought to have a general law which would treat the widows of officers of a certain rank exactly the same?

Mr. DU PONT. I would say to the Senator from North Dakota that while I believe it proper to establish general rules in regard to the matters to which he refers, I also believe that every general rule has its exceptions, and that when special and extraordinary cases occur they should be considered on their merits. In my judgment, the case of Mrs. Hawkins is wholly exceptional and could not establish a precedent which would be prejudicial to the interests of the Government or unfair to anyone else.

Mr. McCUMBER. I want to ask the Senator another question. The Senator has served some time on the Committee on Pensions. I want to ask him if there has been a single case in the matter of the application of the widow of an officer for a pension during the whole time he has been a member of that committee that has not been an exceptional case; that the claim has not been based upon the idea that it was exceptional, and that a greater amount ought to be allowed than is allowed under the general law?

Mr. DU PONT. I will say to the Senator from North Dakota, as far as I am able to judge from my experience on the Pension Committee, that the average cases which come before it are not exceptional, but are subject to the ordinary rules. I can recollect but very few exceptional cases which have come before the Pension Committee. This case is one of them, and I have in mind another case in regard to which a bill is pending which I hope will come before the Senate later——

Mr. OVERMAN. I should like to ask the Senator from North Dakota what pension Mrs. Hawkins is getting now?

Mr. DU PONT. I can answer that question. It is $12 a month.

Mr. OVERMAN. She has an income of $1,300?

Mr. McCUMBER. She has a net income of about $1,300.

Mr. OVERMAN. Outside of the pension she is now getting?

Mr. McCUMBER. I think so. I am not certain whether the pension is included or not, but that would make a difference of only $144 in the amount.

Mr. OVERMAN. Her income with the pension she receives now would be about $1,440 a year.

Mr. McCUMBER. Mr. President, I wish to say a word on this amendment. The general law fixes the pension of widows of the higher officers at $30 a month where the cause of death was of service origin. The general law has not seen fit to fix any pension above the $12 per month where the death was not the result of wounds or injury incurred in service. The law of June 27, 1890, specifically provided that in granting pensions to widows of officers and soldiers of the Civil War no distinction should be made on account of rank.

There was a reason for that law. It was the solemn declaration of the Congress of the United States, representing all of the people, that when a grant of pension was made, irrespective of any injury incurred in the service, the amount of $8 per month fixed by the law of June 27, 1890, and of $12 per month fixed by the law of April 19, 1908, should apply with equal force to the widows of all soldiers of the Civil War.

The proposition that I want to put up to Senators is simply this: Ought we to change the law so as to grant all widows of officers a pension of at least $50 per month without respect to their financial condition? If we should do that, in fairness to every one of them we should amend the old law so that instead of providing for $12 a month it should provide for $50 per month to every widow of an officer of the Civil War. We would then have a law that would be equal and just and appropriate; but to pick out the widow of one officer here and another officer there and say that we will make such a case a matter of special consideration, and, without any rule on earth to guide our action, vote all the way from $50 to $150 a month, places the Senate upon an open sea of favoritism where we have nothing to guide us, nothing to restrain us, and no principles of equality to control our action.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. McCUMBER. I yield to the Senator from Washington.

Mr. JONES. If we should do that, would it not be unfair and unjust to widows of the private soldiers unless we increased their pensions very materially?

Mr. McCUMBER. It certainly would; but, Mr. President, here is another feature; and I want to get back again to the very purpose of having Committees on Pensions in the Senate and in the other House. Why do we have such committees? Is the object of the Committee on Pensions to recommend as many separate laws as there are individuals who might claim a preference, or is the object of the creation of this committee to carry out the purpose of the Government of the United States to reach those cases of destitution where the general law is insufficient? That is the declared purpose of all of this special legislation. If that is the purpose, then there ought to be some rule that should guide us in conferring special favors upon special individuals.

What is that rule? The rule is necessitous condition. The very first thing that we have declared in that rule is that a pension will only be granted by a private law in case of destitution. Then we follow that with another provision—that the word "destitution" shall be exactly the same when applied to the widow of an officer as when applied to the widow of a common soldier, and that it will not be contracted or expanded to meet special cases. I am very certain that the Senator who introduced this bill, who is on the Committee on Pensions, in case an application were made for some poor old woman whose soldier husband served in the trenches and fought the battles of the Government and who has an income of $1,300 a year would join the majority of the committee and declare emphatically that that was not a case of destitution. There ought to be some rule somewhere that would establish what is a case of destitution, and that rule ought not to be graded in a hundred cases from the private up to the commissioned officer.

Mr. DU PONT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Delaware?

Mr. McCUMBER. I yield.

Mr. DU PONT. Mr. President, this bill does not concern the administration of the pension laws nor their amendment; but the question is whether the Congress of the United States is willing to recognize and reward extraordinary services in battle. I will say that if the case of the humblest private in the United States Army or the case of his widow were under discussion, and if it could be shown by the official records that he performed some act of heroism or which inured to striking military success at a critical moment, I would cheerfully and gladly use all my efforts to specially recognize and reward such action.

It is not a question between officers and privates or between this officer and that officer, but it is a question of special and extraordinary service to the country.

Mr. McCUMBER. I think, Mr. President, if the Senator would follow that line that we would before this have granted to the widow of every soldier in the Civil War about $50 per month.

Mr. DU PONT. Then, we would have acted very unwisely and very unjustly and in contravention of the official records, which show what has been done and what has not been done.

Mr. McCUMBER. Well, Mr. President, it is up to the Senate whether they will hold this committee to a just and fair rule that has been inaugurated not only for the benefit of the committee but for the purpose of securing equal justice between all claimants. Let us remember that there are ten or fifteen thousand of these bills that are referred to the committee during every session, and all of them have to be passed upon in some manner or other.

Mr. President, the Senator from Delaware says that the rule has been waived. The rule has not been waived by the Committee on Pensions; the rule has been faithfully followed by that committee ever since I have been a member of it; but in two or three instances it has been waived by the Senate, which has overruled a number at least of the members of the committee.

The Senator calls attention to the fact that we have in the past granted to a large number of widows $50 per month. I think he will find on a close investigation that in almost every such instance there was a case of destitution made out. I want to call his attention to the further fact, Mr. President, that the widow of a former Senator of the United States, a great statesman, and as capable a general as served in the Civil War, was denied a pension because her income, which was about the same as the income of the widow in this case—it may have been a

little more—took her claim without the rule of destitution. I refer to the case of Mrs. Hawley, widow of Gen. Hawley, who was a Senator of the United States for many years. That pension has never been granted to Mrs. Hawley; and there have been a number of other instances where we have refused absolutely to grant pensions because the claimant had failed to establish a case of destitution.

I claim that we should follow that rule, although it was overridden by the Senate, I believe, a short time ago. The question is whether it shall be the rule now to grant pensions in every one of these cases as soon as an application is made. I want Senators to understand that whenever an officer dies his death is almost immediately followed by an application for a special pension on behalf of his widow, no matter what the conditions are. Officers' widows are coming to believe that it is their right to appeal immediately to the Senate and to the House of Representatives and to receive special recognition. I plead for a general law that will treat them all alike. If we can not treat them all alike in a general law, then let us try to treat them with some degree of equality in the Committee on Pensions and in the Senate. If these applications are to be granted irrespective of income, then let us open up the hundreds of cases that have been rejected and bring them in in an omnibus bill and grant all the same rights.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. SMITH of Georgia. I ask what the amendment is?

Mr. DU PONT. It reduces the rate of pension from $75 to $50 per month.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 1, line 8, it is proposed to strike out "seventy-five" and insert "fifty."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading and read the third time.

Mr. McCUMBER. I should like to have a vote on the passage of the bill.

The PRESIDENT pro tempore. The question is, Shall the bill pass? [Putting the question.] The Chair is in doubt. The Chair will put the question again.

Mr. ASHURST. I want to vote to sustain the chairman of the committee. As a member of that committee I know the great labor he has performed, and I should like to know how to vote to sustain his contention.

The PRESIDENT pro tempore. Senators in favor of the passage of the bill will say "aye"; those opposed "no." [Putting the question.] The noes manifestly have it, and the Senate refuses to pass the bill.

Mr. DU PONT. I ask for the yeas and nays.

The yeas and nays were not ordered.

COPYRIGHT LAWS.

Mr. MARTINE of New Jersey. I ask unanimous consent for the present consideration of the bill (H. R. 24224) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909.

The PRESIDENT pro tempore. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

Mr. HEYBURN. I ask that the bill go over.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

Mr. MARTINE of New Jersey subsequently said: I again press my request for the present consideration of House bill 24224. I understand the objection is withdrawn.

Mr. HEYBURN. I withdraw the objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill.

Mr. GRONNA. I object.

The PRESIDENT pro tempore. The Senator from North Dakota objects.

SUPERINTENDENTS OF NATIONAL CEMETERIES.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 1739) to amend section 4875, Revised Statutes, to provide a compensation for superintendents of national cemeteries.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that the section referred to be amended to read as follows:

SEC. 4875. The superintendents of the national cemeteries shall receive for their compensation from $60 to $75 a month each, according to the extent and importance of the cemeteries to which they may be respectively assigned, to be determined by the Secretary of War, except the superintendent of the Arlington (Va.) Cemetery, whose compensation may be $100 per month, at the discretion of the Secretary of War; and they shall also be furnished with quarters and fuel at the several cemeteries.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. M. H. MELLON AND OTHERS.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill (H. R. 20873) for the relief of J. M. H. Mellon, administrator, James A. Mellon, Thomas D. Mellon, Mrs. E. L. Siverd, J. M. H. Mellon, Bessie Blue, Mrs. Simpson, Annie Turley, C. B. Eyler, Luella C. Pearce, John McCracken, A. J. Mellon, J. J. Martin, Eugene Richmond, Springdale Methodist Episcopal Church, Heidekamp Mirror Co., James P. Confer, jr., W. P. Bigley, W. J. Bole, and S. A. Moyer, all of Allegheny County, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINING EXPERIMENT STATION IN WYOMING.

Mr. WARREN. I ask unanimous consent to call from the calendar the bill (S. 7050) to establish a mining experiment station in the State of Wyoming, to aid in the development of the mineral resources of the United States, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to establish at Lander, Fremont County, Wyo., a mining experiment station, under the supervision, management, and control of the Bureau of Mines, with a superintendent, who shall be an expert mining engineer, at a salary of $4,000 per annum, a metallurgical chemist, at a salary of $3,000 per annum, one assistant mining engineer and one assistant chemist, at a salary of $2,000 per annum each, and such additional technical and clerical assistants as may be found necessary. A sum not to exceed $25,000 is authorized to be spent in establishing, equipping, and maintaining the mining experiment station during the fiscal year ending June 30, 1913, and is appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF SPONGE INDUSTRY.

Mr. FLETCHER. I ask unanimous consent to call up at this time the bill (S. 6385) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and Straits of Florida; the landing, delivering, curing, selling, or disposing of the same; providing means of enforcement of same; and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with amendments.

The first amendment was, on page 1, line 9, after the word "Florida," to insert "outside of State territorial limits," so as to read:

That on and after the approval of this act it shall be unlawful for any citizen of the United States or person owing duty of obedience to the laws of the United States, or any boat or vessel of the United States or person belonging to or on board such boat or vessel to take or catch any commercial sponges, by means of diving or diving apparatus, in the waters of the Gulf of Mexico or Straits of Florida outside of State territorial limits, or to land, deliver, cure, offer for sale, or have in possession at any port or place in the United States or on any boat or vessel of the United States any commercial sponges taken by means of diving in said waters.

The amendment was agreed to.

The next amendment was, on page 2, section 2, line 12, after the word "Florida," to insert "outside of State territorial limits," so as to make the section read:

SEC. 2. That it shall be unlawful for any and all persons, boats, or vessels described in the first section of this act to take or catch, by any means or method, in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, or to land, deliver, cure, offer for sale, or have in possession at any port or place in the United States or on any boat or vessel of the United States, any commercial sponges taken in said waters measuring, when wet, less than 5 inches in their maximum diameter.

The amendment was agreed to.

The next amendment was, on page 2, section 3, line 19, after the word "boat," to insert "of the United States"; in line 24, after the word "boat," to insert "of the United States"; in line 1, on page 3, after the word "Florida," to strike out "beyond the jurisdiction of the State of Florida" and insert "outside of State territorial limits," so as to make the section read:

SEC. 3. That the presence of sponges on any vessel or boat of the United States equipped with diving apparatus, or serving as a living or

deposit boat for divers, between July 1 and October 1 of each year, or the presence of sponges of a diameter less than 5 inches on said vessels at any time, or the presence of sponges of less than the said diameter on any other vessel or boat of the United States engaged in sponging on the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, or the possession of any sponges of less than the said diameter sold or delivered by such vessels shall be prima facie evidence of a violation of this act.

The amendment was agreed to.

The next amendment was, on page 3, section 5, line 20, after the word "district," to strike out "wherein the offense was committed" and insert "wherein the offender is found or into which he is first brought," so as to make the section read:

SEC. 5. That any violation of this act shall be prosecuted in the district court of the United States of the district wherein the offender is found or into which he is first brought.

The amendment was agreed to.

Mr. HEYBURN. I should like to hear the title of the bill read.

The PRESIDENT pro tempore. The title of the bill will be read.

The Secretary read as follows:

A bill to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and Straits of Florida; the landing, delivering, curing, selling, or disposing of the same; providing means of enforcement of same; and for other purposes.

Mr. FLETCHER. The purpose of the bill is to regulate the method of catching sponges.

Mr. HEYBURN. I should like to inquire of the Senator the purpose of the bill. It seems to prohibit the taking of sponges in the Gulf of Mexico.

Mr. FLETCHER. It prohibits the taking of sponges of a smaller size than the size designated outside the territorial limits of the State.

Mr. HEYBURN. Is that the sole purpose—to regulate the size of the sponges that may be taken?

Mr. FLETCHER. It is to regulate the catching, so that the sponge industry will not be destroyed by taking those under size.

Mr. HEYBURN. That is the sole purpose of the bill?

Mr. FLETCHER. That is the sole purpose of it.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

STREET RAILWAY IN SOUTH HILO, HAWAII.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PERKINS. I ask that the report of the committee be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the report will be printed in the RECORD as requested.

The report is as follows:

STREET RAILWAY SYSTEM, DISTRICT OF SOUTH HILO, HAWAII.

Mr. CLAPP, from the Committee on Pacific Islands and Porto Rico, submitted the following report to accompany H. R. 18041:

The Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii, reports the same without amendment and recommends that the bill do pass.

This bill authorizes the construction, maintenance, and operation of a street railway system in and around the town of Hilo, which is the largest town on the island of Hawaii, it having a population of 6,745, according to the census of 1910. The traffic which is expected to support this enterprise is that which will pass between the town of Hilo and the Government wharves now in course of construction near Waiakea Landing, 3 miles from the town of Hilo, where the Federal Government is constructing a breakwater which will furnish the only harbor on the island for deep-sea vessels.

It is expected that this railway will encourage and promote the building of homes between the town of Hilo and its terminus at the Government wharves on lands which are owned by the Government of Hawaii and which home builders will be able to secure at a nominal cost. The road will insure cheap transportation to these people to and from their employment.

The only means of transportation at present from the town of Hilo to the site of the Government wharves is a bus and hack line operated by Japanese, and on which the minimum fare is 25 cents and the maximum fare is 75 cents. The bill reported by your committee limits the charge to 5 cents "for a continuous trip anywhere between any two extreme points within a radius of 3 miles from the intersection of Front and Waianuenue Streets," which embraces the trip from the town of Hilo to the Government wharves.

This proposed franchise was approved by the Hawaiian Legislature in its session of 1911 with but one dissenting vote in the house and none in the senate. The governor of Hawaii, in a letter addressed to the Secretary of the Interior under date of February 6, 1912, states that "the town of Hilo needs a street railway, and the bill as it stands now with the amendments proposed would sufficiently protect the public now and in the future." The amendments to which the governor referred were inserted in the bill in the House, as will be seen by reference to House Report No. 361, Sixty-second Congress, second session, which was the report of the Committee on Territories to accompany H. R. 18041.

The interests of the public are fully protected by provisions in the bill for extension of the line and limiting the issuance of bonds and stocks, and providing further that the earnings in excess of 8 per cent on the capital stock shall be divided, 25 per cent to the stockholders and 75 per cent to the county of Hawaii. The right to amend or repeal the provisions of this act is reserved in the bill.

For further and detailed information relating to the measure attention is invited to the hearings before the Committee on Pacific Islands and Porto Rico in connection with this bill.

REPAYMENT OF WAR TAXES.

Mr. BRYAN. I ask for the present consideration of the bill (H. R. 24699) extending the time for the repayment of certain war-revenue taxes erroneously collected.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that all claims for the refunding of any internal tax alleged to have been erroneously or illegally assessed or collected under the provisions of section 29 of the act of Congress approved June 13, 1898, known as the war-revenue tax, or of any sums alleged to have been excessive, or in any manner wrongfully collected under the provisions of said act may be presented to the Commissioner of Internal Revenue on or before the 1st day of January, 1914, and not thereafter. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys of the United States not otherwise appropriated, to such claimants as have presented or shall hereafter so present their claims, and shall establish such erroneous or illegal assessment and collection, any sums paid by them or on their account or in their interest to the United States under the provisions of the act aforesaid.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REMOVAL OF SUITS FROM STATE TO FEDERAL COURTS.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill (S. 6217) to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on the Judiciary with amendments.

Mr. CRAWFORD. I wish to ask a question of the Senator from North Carolina. Does the bill change the present law in any way except about giving the notice?

Mr. OVERMAN. It adds only about six words to the present law, and that is to prevent a conflict of jurisdiction and to make the time certain when the application shall be filed.

The PRESIDENT pro tempore. The first amendment of the Committee on the Judiciary will be stated.

Mr. HEYBURN. Mr. President, just a moment. I understand that the change in existing law consists in including within the time when the application shall be made any extension of time which the court may have granted in which to plead.

Mr. OVERMAN. Yes.

Mr. HEYBURN. And that is the only change.

Mr. OVERMAN. That is right.

The amendments were, on page 2, line 3, after the word "court," strike out the words "or any time extended or fixed by the court"; and, in line 6, page 2, after the word "plaintiff," to insert the words "not including any extension, by special order, of time to answer or plead," so as to make the bill read:

Be it enacted, etc., That section 29 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be amended so as to read as follows:

"SEC. 29. Whenever any party entitled to remove any suit mentioned in the last preceding section, except suits removable on the ground of prejudice or local influence, may desire to remove such suit from a State court to the district court of the United States, he may make and file a petition, duly verified, in such suit in such State court at the time, or any time before the defendant is required by the laws of the State or the rule of the State court in which such suit is brought to answer or plead to the declaration or complaint of the plaintiff, not including any extension, by special order, of time to answer or plead for the removal of such suit into the district court to be held in the district where such suit is pending, and shall make and file therewith a bond, with good and sufficient surety, for his or their entering in such district court, within 30 days from the date of filing said petition, a certified copy of the record in such suit, and for paying all costs that may be awarded by the said district court if said district court shall hold that such suit was wrongfully or improperly removed thereto, and also for their appearing and entering special bail in such suit if special bail was originally requisite therein. It shall then be the duty of the State court to accept said petition and bond and proceed no further in said suit. Written notice of said petition and bond for removal shall be given the adverse party or parties prior to filing the same. The

said copy being entered within said 30 days as aforesaid in said district court of the United States, the parties so removing the said cause shall, within 30 days thereafter, plead, answer, or demur to the declaration or complaint in said cause, and the cause shall then proceed in the same manner as if it had been originally commenced in the said district court."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. OVERMAN, the title was amended so as to read: "A bill to amend section 29 of the act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

LIENS OF JUDGMENTS AND DECREES.

Mr. THORNTON. I ask unanimous consent to call up the bill (H. R. 18017) to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States."

I wish to state that this is an act to place the State of Louisiana on an equality with the other States in the matter of liens on real estate arising from the recordation of judgments of the Federal courts and does not affect any interest outside of the State of Louisiana. The bill was once reached in regular order on the calendar, but went over on the objection of the Senator from Arkansas [Mr. CLARKE], because I could not at that time make as positive a statement as to the effect of the bill as the Senator from Arkansas thought necessary. I am now able to state absolutely that the bill is confined in its operations to the State of Louisiana. The matter is fully explained in the report of the Judiciary Committee submitted by the Senator from Connecticut [Mr. BRANDEGEE].

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to repeal section 3 of an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States," approved August 1, 1888.

The bill was reported from the Committee on the Judiciary with an amendment, to add at the end of the bill:

This act shall take effect on and after January 1, 1913.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BRANDEGEE. I should like to have the report accompanying the bill printed in the RECORD.

The PRESIDENT pro tempore. That order will be made.

The report is as follows:

[Senate Report No. 802, Sixty-second Congress, second session.]

REGULATION OF LIENS OF JUDGMENTS AND DECREES OF COURTS OF THE UNITED STATES.

Mr. BRANDEGEE, from the Committee on the Judiciary, submitted the following report to accompany H. R. 18017:

The Committee on the Judiciary, to which was referred the bill (H. R. 18017) to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States," approved August 1, 1888, having considered the same, report favorably thereon with an amendment as follows:

After the word "repealed," in line 6, insert a new paragraph:

"This act shall take effect on and after January 1, 1913."

The report of the House committee thereon, which fully explains the purposes and necessities of the proposed legislation, is hereto attached and made a part of this report.

The House report is as follows:

"The Committee on the Judiciary, to whom was referred the bill (H. R. 18017) to amend an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888, report the same to the House with a recommendation that it do pass.

"The act which this bill seeks to amend is as follows:

"'*Be it enacted, etc.*, That judgments and decrees rendered in a circuit or district court of the United States within any State shall be liens on property throughout such State in the same manner and to the same extent and under the same conditions only as if such judgments and decrees had been rendered by a court of general jurisdiction of such State: *Provided*, That whenever the laws of any State require a judgment or decree of a State court to be registered, recorded, docketed, indexed, or any other thing to be done, in a particular manner, or in a certain office or county, or parish in the State of Louisiana, before a lien shall attach, this act shall be applicable therein whenever and only whenever the laws of such State shall authorize the judgments and decrees of the United States courts to be registered, recorded, docketed, indexed, or otherwise conformed to the rules and requirements relating to the judgments and decrees of the courts of the State.

"'SEC. 2. That the clerks of the several courts of the United States shall prepare and keep in their respective offices complete and convenient indices and cross indices of the judgment records of said courts, and such indices and records shall at all times be open to the inspection and examination of the public.

"'SEC. 3. Nothing herein shall be construed to require the docketing of a judgment or decree of a United States court, or the filing of a transcript thereof, in any State office within the same county or parish in the State of Louisiana, in which the judgment or decree is rendered, in order that such judgment or decree may be a lien on any property within such county.

"'Approved August 1, 1888.'

"The main purpose of the law is to give to any State the right to require that judgments and decrees of the United States courts in that State shall become liens in the same manner as judgments and decrees of the courts of that State are made liens. It provides that whenever the laws of a State require that a judgment or decree of a court of that State shall be registered, recorded, docketed, or indexed in a certain office in order to create a lien, then the State may, by appropriate legislation, authorize judgments and decrees of a court of the United States, held within that State, to be registered, etc., in the same manner, and otherwise conform to the laws of the State relating to judgments and decrees of the State courts.

"Section 2, which is sought to be repealed by this bill, makes an exception to this rule. It provides that a judgment or decree of a United States court need not be registered or a transcript thereof filed in a State office in any county where the judgment is rendered in order to create a lien on property in that county. If this bill becomes a law it will abolish that exception and make the rule uniform throughout the country. Judgments and decrees of United States courts will be required then to conform everywhere to the same regulation as judgments and decrees of the State courts in order to become a lien.

"A number of the States have adopted a land-registration system commonly known as the Torrens law. Under that law persons owning real estate may have their titles registered in the office of the registrar of titles. The owner then may have at any time an official certificate from the registrar of titles showing the state of his title. The registrar, however, is required to note in this certificate only such matters as are of record in his office. Under the State law all judgments and decrees sought to be made liens on registered land must be registered in the office of the registrar of titles. Likewise judgments and decrees of the United States courts must be so registered there if the United States court is not held in the county where the land is situated in order to create a lien on the registered land. But by section 3, which this bill seeks to repeal, judgments and decrees of the United States courts rendered in counties where the registered land is situated need not be registered in the office of the registrar of titles in order to become liens on the land. Since, under the law, the registrar is not bound to certify as to liens and other matters not appearing of record in his office, his certificate does not cover judgments or decrees in the United States courts if such court is held in that county. The purpose of this land-registration system is to simplify titles and to render them more certain and to reduce the expense pertaining to the abstracting of titles. It has been adopted in a number of States already, namely, Illinois, Ohio, California, Massachusetts, Minnesota, Oregon, Colorado, and perhaps others.

"It has always been the policy of Congress to defer to the States the manner of regulating the titles to land in their respective jurisdictions. In consonance with this policy it enacted the first section of the act above quoted. With the same end in view it enacted the law providing that judgments and decrees of the Federal courts shall cease to be liens on land in the same manner and at like periods as judgments and decrees of the State courts.

"As further proof of this policy we call attention to the Federal statute relating to attachments. It provides that the plaintiff in common-law causes in the district courts shall be entitled to similar remedies, by attachment or other process, against the property of the defendant as are provided by the laws of the State. Likewise, in regard to execution the Federal statute is to the effect that the person having judgment shall be entitled to the same remedies upon it, by execution or otherwise, to reach the property of the judgment debtor as are provided in like cases by the State laws.

"Congress pursued that policy further by requiring that all practice, pleadings, forms, and methods of proceeding in all cases other than equity and admiralty in the district courts shall conform as near as may be to the practice, pleadings, forms, and methods of proceeding in the State courts in like cases. The Federal statute also provides that the marshal shall have in each State the same power in executing the laws of the United States as the sheriff in such State has in executing the laws of that State. By analogy, judgments and decrees of the United States courts, in order to become liens on land, should be required to conform in all cases to the regulations of the several States governing the liens of judgments and decrees in the State courts.

"The benefit arising out of this proposed change is not limited to those States alone where the land-registration system above mentioned is in force. It will be useful in simplifying titles in every county in the United States where a United States district court is held. It in effect fixes one certain place in all those counties where the records will be required to show all judgment liens, that place being the one designated by the laws of that State for the registering, docketing, recording, or indexing of judgments and decrees of the State courts. It places those counties where Federal courts are held under the same rule as all other counties."

The committee recommend that the bill so amended do pass.

SYLVESTER G. PARKER.

Mr. CULLOM. I ask unanimous consent to call up the bill (S. 5262) to correct the military record of Capt. Sylvester G. Parker.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged volunteer officers, Sylvester G. Parker, who was a captain of Company H, Sixty-third Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as of said organization on the 4th day of September, 1863: *Provided*, That no pension, bounty, or arrears of pay shall become due or payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Sylvester G. Parker."

CORNELIA C. BRAGG.

Mr. POMERENE. I ask unanimous consent to call up the bill (H. R. 25598) granting a pension to Cornelia Bragg.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 6, after the name "Cornelia," to insert the initial "C.," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia C. Bragg, widow of Edward S. Bragg, late a brigadier general of United States Volunteers during the late Civil War, and pay her a pension at the rate of $50 per month.

The amendment was agreed to.

Mr. POMERENE. I move to amend the bill by striking out the word "fifty," before the word "dollars," on page 2, line 1, and inserting the words "one hundred."

Mr. SMOOT. I did not catch what the amendment is.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 1, before the word "dollars," strike out the word "fifty" and insert "one hundred."

Mr. SMOOT. I object to that amendment.

Mr. POMERENE. Mr. President, I wish to say just a word in behalf of the amendment.

This lady is 82 years old. It is not necessary to discuss the military services rendered by her husband. They are well known. Although he was entitled to a pension he never would accept one until 1906. After he became totally disabled, without any income himself, he was finally persuaded by his friends to accept a pension of $50. A few weeks ago Congress passed a bill increasing his pension to $100. He died, I believe, within two days after the bill was approved.

His widow, now 82 years old, is without any income whatsoever. She has a small home worth, I have heard it stated, variously from $2,000 to perhaps $3,000 or $4,000. She is obliged to have an attendant all the while, and is confined to her bed a large part of the time.

I feel under the circumstances that the pension I propose is simply rendering a just tribute to her husband for the services he rendered this country during the late war. I hope the Senator from Utah will not object to the amendment.

Mr. SMOOT. Mr. President, I certainly must object to the amendment, for the reason that there are hundreds of widows of brigadier generals who are drawing a pension of $50 a month, and their husbands had a military record just as good as that of Brig. Gen. Bragg.

I know that the Senator from Ohio, being a member of the committee, understands that $50 is the rule of the committee, and the bill was reported from the committee at that amount. I sincerely trust the Senate will not vote more than $50 in this particular case. If the Senator insists upon the amendment I am so insistent upon the point I make that I shall object to the consideration of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Ohio.

Mr. SMOOT. I shall object to the bill if the question is to be put on the amendment, because we have not a quorum now, and we are liable not to have one this evening, or I would let the Senator have a vote upon it.

The PRESIDENT pro tempore. The Chair will state to the Senator from Utah that the Senate has granted the consideration of the bill. The question is upon agreeing to the amendment submitted by the Senator from Ohio.

Mr. BRANDEGEE. Then, let us have a vote.

Mr. SMOOT. I shall ask for the yeas and nays if such a course becomes necessary.

Mr. McCUMBER. Mr. President, I wish to say one word before we come to a vote on the amendment. The committee had the bill under consideration and treated the widow of Gen. Bragg just the same as they have been treating the widows of other generals. They allowed her the greatest amount that the committee allows to any, and it seems to me that her case ought not to be taken without the general rule. We gave her the maximum amount that the committee has ever given to anyone, except in one instance.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. POMERENE. I move to amend the bill by inserting the word "seventy-five" in lieu of "fifty," before the word "dollars."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 1, before the word "dollars," strike out the word "fifty" and insert "seventy-five."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. POMERENE. I ask the attention of the Senator from Minnesota [Mr. NELSON] to this bill. I have called up House bill 25598, granting a pension to Mrs. Bragg. I asked to have the amount increased from $50 to $100, and that was voted down. It is now before the Senate on my proposed amendment of $75 a month.

Mr. NELSON. Mr. President, I sincerely trust the amendment offered by the Senator from Ohio may prevail. Years ago, when I was almost a boy, it was my lot to serve in the legislature of the State of Wisconsin with Gen. Bragg. I became acquainted with him away back in 1868 and 1869. He was then a member of the State senate and I was a member of the assembly. He was universally known in those days, and has been known ever since, as a very able lawyer, as one of the best legislators we had in the State, as a fearless and independent man; but whatever other faculties and powers he had, he never succeeded in accumulating much of this world's goods. When the war came on he joined the Army in one of our Wisconsin regiments. He finally became a brigadier general and commander of the noted Iron Brigade. After the war he returned to his State and resumed the practice of his profession; but with all his skill and with all his ability he never, as I have said, succeeded in accumulating a fortune, and he died a poor man.

While Gen. Bragg belonged to a different party from the party of which I have been a member, I have always felt that he was one of the noblest and most patriotic of American citizens. He died leaving his widow with nothing at all; she has no resources at her command. I think this great country of ours ought to be generous to the widow of the commander of the great Iron Brigade. I sincerely trust the Senate will accord her a pension of at least $100 a month.

Mr. McCUMBER. Mr. President, I hope the Senator from Minnesota will realize that the widows of hundreds of generals of equal fidelity and character in America with Gen. Bragg did not have the fortune of having their husbands in the legislature of which the Senator from Minnesota was a member, and I hope the Senator will not take advantage of that fact to allow it to weigh against the rights of hundreds of other widows to whom we have only granted $50 a month and who would have the same claim to a greater amount as has the widow of Gen. Bragg. I am simply pleading for equality of treatment of those whose conditions are the same. If the Senator would look over the large number of cases in which we have granted special pensions in the last 10 years he will find that the maximum amount granted was $50. He ought not to take one case and make an exception of it.

Mr. NELSON. Mr. President, I want, in reply to the Senator, to call his attention to the fact that while it may be true that, as a general rule, we have only allowed such widows $50 a month, yet in most cases the allowance has been to widows whose husbands had left them something of an estate. In the case of Gen. Bragg he practically left nothing at all, and his widow has no means or resources of her own whatsoever. More than that, she is an invalid, in very poor health; she is helpless, and practically has to have a nurse to attend on and wait upon her. She can live but a few years. In view of her condition I submit that in the case of the widow of the commander of the great Iron Brigade we ought to deal liberally and to make an exception in her favor.

The PRESIDENT pro tempore. The question is upon the amendment striking out "fifty" and inserting "seventy-five."

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act granting a pension to Cornelia C. Bragg."

IMPORTATION AND TRANSPORTATION OF NURSERY STOCK.

Mr. CHAMBERLAIN. I ask unanimous consent for the present consideration of Senate bill 4468.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 4468) to regulate the importation and interstate transportation of nursery stock; to enable the Secretary of Agriculture to appoint a Federal horticultural commission, and to define the powers of this commission in establishing and maintaining quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes.

Mr. SUTHERLAND. Is that the bill which was read the other day?

Mr. CHAMBERLAIN. That is the bill, Mr. President, which was read the other day. I will say, however, that it was recommitted to the committee and the language to which the Senator from Utah objected has been eliminated from the bill. Section 10 was the portion of the bill to which the Senator objected.

Mr. SUTHERLAND. I do not like to object to the consideration of the bill, but I should like to examine it before it is passed upon. For that reason I feel impelled to object.

The PRESIDENT pro tempore. The bill is objected to and goes over.

THEODORE SALUS.

Mr. CRAWFORD. I ask unanimous consent for the present consideration of House bill 13938, which is a personal-injury case, in which a man's sight was entirely destroyed—a very deserving case.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 13938) for the relief of Theodore Salus.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Theodore Salus $3,000 for the loss of his eyes and other physical injuries received by him in an explosion at Agana, island of Guam, on February 12, 1906, while he was in the employ of the Government of the United States and in the discharge of his duties as a foreman of labor at the town of Agana, Island of Guam.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WALTERS, ALIAS JOSHUA BROWN.

Mr. BRISTOW. I ask unanimous consent for the present consideration of the bill (S. 1562) for the relief of William Walters, alias Joshua Brown.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That in the administration of the pension laws William Walters, alias Joshua Brown, who was a private of Battery M, First Regiment United States Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said battery and regiment on the 13th day of September, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET M'QUADE.

Mr. TOWNSEND. I ask unanimous consent for the present consideration of the bill (S. 6408) for the relief of Margaret McQuade.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 7, after the words "sum of," to strike out "$5,000" and insert "$840," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Margaret McQuade, widow of the late Edward McQuade, alias Edward Quade, out of any money in the Treasury not otherwise appropriated, the sum of $840 as compensation for the death of the said Edward McQuade, alias Edward Quade, caused by and in the performance of his duties as an employee in the Government service in the War Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE LIQUOR TRAFFIC.

Mr. KENYON. I ask unanimous consent for the present consideration of the bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases.

Mr. PENROSE. I object.

The PRESIDENT pro tempore. Objection is made.

MEMORIAL AMPHITHEATER AT ARLINGTON.

Mr. SUTHERLAND. I ask unanimous consent for the present consideration of the bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SUTHERLAND. I will say, Mr. President, that the bill has already been read and certain amendments have been agreed to. There is an amendment now pending.

The PRESIDENT pro tempore. The bill has been read. The pending amendment will be stated.

The SECRETARY. On page 1, line 10, after the word "amphitheater," it is proposed to insert a comma and the words "including a chapel."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUDITOR OF RAILROAD ACCOUNTS.

Mr. BRANDEGEE. I ask unanimous consent for the present consideration of the bill (S. 5556) to amend "An act to create an Auditor of Railroad Accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Interstate Commerce with an amendment on page 2, line 11, before the word "upon," to strike out "devolve" and insert "devolved," so as to make the bill read:

Be it enacted, etc., That the duties devolved on the Secretary of the Interior by the act of Congress approved June 19, 1878 (20 Stats., p. 169), entitled "An act to create an Auditor of Railroad Accounts, and for other purposes," as amended by the act of Congress approved March 3, 1887 (21 Stats., p. 409), entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes," as amended by the act of March 3, 1903 (32 Stats., p. 1119), entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," be, and they hereby are, transferred to and devolved upon the Interstate Commerce Commission.

The amendment was agreed to.

Mr. BACON. Mr. President, I do not wish to be understood as objecting to the consideration of the bill, but I really would like whoever has it in charge to indicate the nature of it.

Mr. BRANDEGEE. I will be very glad to do so. The reasons for the bill appear in the report, in which there is printed a letter from the Secretary of the Interior, to whom the bill was referred, stating that the section it is proposed to repeal is no longer necessary, because the same duties are required of the Interstate Commerce Commission in connection with railroad reports. The Secretary thinks the section of the statutes covered by the bill is no longer useful, and there is no appropriation for carrying it out. It has been a dead letter for years.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. I ask that the report of the committee may be printed in the RECORD to accompany the bill.

The PRESIDENT pro tempore. Without objection, that order will be made.

The report submitted by Mr. BRANDEGEE on May 30, 1912, is as follows:

The Committee on Interstate Commerce, to which the foregoing bill was referred, having examined the same, recommends that the bill do pass.

By act of June 19, 1878, railroads were compelled to file with the Secretary of the Interior once a year a statement showing the conditions of their companies, but after the organization of the Interstate Commerce Commission these reports became a mere matter of form, and the Secretary of the Interior is of the opinion that they should be made to the Interstate Commerce Commission. A letter of the Secretary of the Interior of date May 13, 1912, is attached and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, May 13, 1912.

Hon. MOSES E. CLAPP,
Chairman Committee on Interstate Commerce,
United States Senate.

SIR: By your reference of May 8, 1912, the department is in receipt, for a report, of S. 5556, entitled:

"'An act to create an auditor of railroad accounts, and for other purposes,' approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes."

By the act of June 19, 1878 (20 Stats., 169), the office of auditor of railroad accounts was established in this department. The title of the position was subsequently changed to commissioner of railroads, and by the act of March 3, 1903, the office of commissioner of railroads was abolished, and the duties required by the act of June 19, 1878, devolved on the Secretary of the Interior. The only duty now performed under the last-mentioned act is to require that the railroad companies coming within its purview file with the department on the 1st day of November in each year a report on the "condition of each of said railroad companies, their road, accounts, and affairs for the fiscal year ending June 30 immediately preceding," as Congress has not, since abolishing the office of commissioner of railroads, made an appropriation to enable the Secretary of the Interior to carry into effect certain other provisions of the act, and the present clerical force of the Secretary's office is not sufficient, in addition to its other duties,

to perform the work. A report to a great extent identical with the one required to be made to the department is now made by each railroad coming under the provisions of the act of 1878 to the Interstate Commerce Commission, thus resulting in a duplication of work.

Under the circumstances, and considering the department has no facilities for fully carrying into effect the act of 1878, while the Interstate Commerce Commission has, it is believed that S. 5556 should be enacted into law, and I so recommend.

Very respectfully,

WALTER L. FISHER, *Secretary.*

IMPORTS FOR EXHIBITION PURPOSES.

Mr. SMOOT. Mr. President, I am directed by the Committee on Finance, to which was referred the bill (S. 7339) to provide for the entry under bond of exhibits of arts, sciences, and industries, to report it without amendment. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all articles which shall be imported from foreign countries for the sole purpose of exhibition at expositions of the arts, sciences, and industries and products of the soil, mine, and sea, to be held in expositions to be held by the Merchants and Manufacturers' Exchange of New York, in the buildings in the city of New York owned or controlled by the Merchants and Manufacturers' Exchange, a corporation organized under the laws of the State of New York, upon which there shall be a tariff or customs duty, shall be admitted free of the payment of such duty, customs, fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but that it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe, and provides that all such articles, when sold or withdrawn for consumption or use in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and that on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use; and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale or withdrawal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT WESTON, W. VA.

Mr. WATSON. I ask unanimous consent for the present consideration of the bill (S. 6341) to provide for the erection of a public building at Weston, W. Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 9, after the word "exceed," to strike out "one hundred" and insert "seventy-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults and heating and ventilating apparatus, for the use and accommodation of the United States post office, in the town of Weston, W. Va., the cost of the same not to exceed $75,000.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS OF LADING.

Mr. POMERENE. Mr. President, on May 14 I introduced Senate bill 6810, which I had intended to offer as a substitute for the bill (S. 957) relating to bills of lading, which is now on the calendar. Since that date there have been several amendments or changes deemed advisable, and I now ask to have that bill reprinted with those amendments and that it lie on the table.

The PRESIDENT pro tempore. Without objection, that order will be made.

THE PANAMA CANAL.

Mr. BRANDEGEE. Mr. President, it is now so late that I will not ask for the regular order; but I want to put into the RECORD a statement I made the other day concerning the sovereignty of this country on the Canal Zone, which was incorporated in the midst of the speech of the Senator from South Carolina [Mr. SMITH]. I ask unanimous consent that that may be inserted.

The PRESIDENT pro tempore. Without objection, that order will be made.

The statement referred to is as follows:

Mr. BRANDEGEE. Mr. President, the other day in touching incidentally upon this question of the sovereignty of the United States in the Canal Zone, the Senator from Missouri [Mr. REED] and I had a colloquy. I told the Senator that I would put into the RECORD, as soon as I could find it, the utterance of President Taft in connection with that matter. I take occasion now to read very briefly from the hearings before the Committee on Interoceanic Canals of the Senate under date of April 18, 1906, from the statement of the Hon. William H. Taft, then Secretary of War. At page 2526 of said hearings, he states:

"Article 3 of the treaty provides as follows:

"'The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article 2 which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.'"

Then he continues:

"It is peculiar in not conferring sovereignty directly upon the United States, but in giving to the United States the powers which it would have if it were sovereign."

He italicizes the words "if it were sovereign."

"This gives rise to the obvious implication that a mere titular sovereignty is reserved in the Panama Government. Now, I agree that to the Anglo-Saxon mind a titular sovereignty is like what Gov. Allen, of Ohio, once characterized as a 'barren ideality,' but to the Spanish or Latin mind, poetic and sentimental, enjoying the intellectual refinements and dwelling much on names and forms, it is by no means unimportant. Therefore, when the question of the form of stamp was to be determined I had not the slightest hesitation in yielding to the view that we should adopt the system which for a time Gen. Davis had himself adopted before he got United States stamps of merely purchasing the Panama stamps and crossing them with the words 'Canal Zone.' I do not know that it is necessary for me to go through the various provisions of the order of December 3. I have discussed them at length in my letter transmitting the annual report of the commission for 1904, and it is printed on pages 2392 to 2410 of this record.

"The order, in effect, required that all importations into the Isthmus of merchandise, except those admitted free of duty for the Government of the United States or its employees under the treaty, should be entered at the Panama ports instead of at the United States ports in order that the Panamans might collect duty on them and thus maintain their revenues. This, however, was on condition that they should reduce their duties from 15 per cent ad valorem to 10 per cent ad valorem. I deemed it of great importance that the Panama Republic should be self-supporting. Free trade between the zone and the Republic was declared. The existence of the terminal ports of the canal as ports of the United States for clearing and entering by foreign vessels was recognized. Without waiting to determine whether the Government of Panama would fail in its duty to enforce the sanitary ordinances in Panama and Colon prescribed by the United States, as was probable, the Republic turned over to the United States authorities immediate right to enforce the same. The postal rate from Panama to the United States and from the United States to Panama was made 2 cents, the stamp in the zone being the Panaman stamp crossed with the words 'Canal Zone.'"

That is put in to fulfill my promise to the Senator from Missouri.

Mr. BRANDEGEE. I also ask to have printed in the RECORD a statement of the Commissioner of Navigation concerning the receipts of the Suez Canal.

The PRESIDENT pro tempore. Without objection, permission is granted.

The statement referred to is as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF NAVIGATION,
Washington, July 9, 1912.

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The annual meeting of the shareholders of the Suez Canal Co. was held at Paris on June 3, 1912. I inclose a copy of the financial statement of the company for the calendar year 1911, as made at this recent annual meeting, compared with the statement for 1910 which was printed in my annual report. Possibly it may be of interest to you.

Faithfully, yours,

E. T. CHAMBERLAIN,
Commissioner.

SUEZ MARITIME CANAL CO.

Operating account for 1910 and 1911.

Expenses.	1910		1911	
	Francs.		*Francs.*	
Contractual:				
Interest and redemption 5 per cent bonds	10,091,525.00		10,093,781.25	
Interest and redemption 3 per cent bonds, first series	1,223,180.00		1,223,290.00	
Interest and redemption 3 per cent bonds, second series	3,696,290.00		3,696,425.00	
Interest and redemption 3 per cent bonds, third series	312,865.00		314,755.00	
Stamp taxes, etc	110,034.20		97,980.70	
Pay roll, Egyptian Government	30,000.00		30,000.00	
Pension to family of M. Ferdinand de Lesseps	120,000.00		120,000.00	
		Francs. 15,583,894.20		*Francs.* 15,576,231.95

Operating account for 1910 and 1911—Continued.

Expenses.	1910			1911		
Expenses of administration:						
France—						
General administration		*Francs.* 368,260.78			*Francs.* 405,832.43	
Salaries and various expenses of administration		998,422.54			933,129.63	
Egypt—						
Salaries and various expenses of administration, including sanitation		908,459.57	*Francs.* 2,275,142.89		964,544.64	*Francs.* 2,303,506.70
Lands held jointly:						
Salaries and various expenses of administration		148,556.39			147,180.85	
Expenses of cultivation, etc		186,456.98			133,551.66	
		[1] 335,013.37			280,732.51	
			167,506.69			140,366.23
Transit and navigation:						
Salaries and various expenses of administration		2,271,581.21			2,417,376.67	
Expenses of operation		1,341,913.00			1,592,560.47	
			3,613,494.30			4,009,937.14
Company's land:						
Salaries and various expenses of administration		61,920.33			67,290.14	
Expenses of cultivation, etc		676,716.93			649,314.03	
			738,637.26			716,604.17
Fresh-water works:						
Port Said—	*Francs.*			*Francs.*		
Salaries and various expenses of administration	74,774.33			82,985.14		
Expenses of operation	267,530.71			290,089.13		
		342,305.04			373,074.27	
Ismailia—						
Salaries and various expenses of administration	49,953.79			52,404.84		
Expenses of operation	96,433.56			74,670.42		
		146,390.35			127,075.26	
Suez—						
Salaries and various expenses of administration	47,600.90			50,332.47		
Expenses of operation	104,989.25			99,308.19		
		152,590.15			149,640.66	
			641,294.54			649,790.19
Repairs of canal and accessories			4,863,632.65			5,729,298.18
						[2] 45,457.77
Total working expenses			27,883,602.56			29,171,192.34
Carried to insurance and sinking funds:			4,000,000.00			4,000,000.00
Sinking fund		4,000,000.00			4,000,000.00	
Insurance and contingent fund					.00	
Grand total			31,883,602.56			33,171,192.34

Receipts.	1910		1911	
Fiscal administration:				
Investments of available funds	*Francs.* 2,123,718.14		*Francs.* 2,208,523.24	
Miscellaneous receipts	27,282.23		16,782.05	
Annuity paid by Egyptian Government under agreement of Feb. 1, 1902, for cession of the trolley line from Port Said to Ismailia	120,000.00		120,000.00	
	2,270,998.40		2,345,305.29	
Deduct expenses of transmitting funds from Egypt and England to France	200,639.87	*Francs.* 2,070,358.53	116,946.17	*Francs.* 2,228,359.12
Lands held jointly:				
Lease of lands	12,183.64		14,947.76	
Sale of lands	493,972.40		302,065.82	
	[3] 506,156.04		317,013.58	
		253,078.02		158,506.79
Transit and navigation:				
Transit receipts—				
Ships' tolls	127,293,295.40		131,035,232.29	
Passenger tolls	2,343,202.59		2,752,595.00	
Sailing vessels	105,419.44		82,021.35	
	129,651,903.34		133,869,848.65	
Pilotage	109,658.00		123,795.00	
Towage	34,051.37		96,630.58	
Wharfage and berthing	329,410.26		375,933.33	
Lease of floating equipment and sundries	61,840.25		59,393.74	
Lease of lands in the free zone of Port Said	219,957.13		237,452.65	
		130,406,217.35		134,763,053.95
Company's land: Lease of buildings		145,042.80		172,143.44
Fresh-water works: Sale of water and miscellaneous—				
Port Said	526,361.53		469,593.42	
Ismailia	24,197.83		32,465.52	
Suez	213,332.58		175,750.05	
		763,892.04		677,814.99
Miscellaneous receipts		47,334.02		33,341.45
Old accounts paid		18,289.33		
Total receipts		133,704,212.00		138,038,224.74
Expenses of operation	31,883,602.56		33,171,192.34	
Interest and retirement of shares (consolidated coupons)	1,800,015.25		1,800,045.00	
Interest and retirement of capital stock	10,080,350.00		10,080,525.00	
		43,763,967.81		45,051,762.34
Excess of receipts		89,940,244.23		92,986,462.40
3 per cent allotted to statutory reserve		2,698,207.32		2,789,593.87
		87,242,036.93		90,196,868.53
Carried from 1909–10		403,211.35		218,206.06
		87,645,248.31		90,415,074.59
Deduct extraordinary reserve		5,000,000.00		3,000,000.00
		82,645,248.31		87,415,074.59
Carry to 1911–12		218,206.06		339,581.64
Profit available for distribution		82,427,042.25		87,075,492.95

[1] Half of this sum being charged to canal company.

[2] Expenses above closed accounts.

[3] One-half of this sum goes to the canal company.

Assets and liabilities on Dec. 31, 1910 and 1911.

Assets.	1910			1911		
Amounts representing net cost of the Suez Maritime Canal to Dec. 31, 1910:						
Total investment according to annual statement, Dec. 31, 1909-10			Francs. 646,025,098.68			Francs. 656,178,271.26
Investments in enlargement and improvement of the canal during 1910-11			10,153,172.58			5,855,289.07
			656,178,271.26			662,033,560.33
Fluctuating and fixed assets:						
Headquarters—						
Office building of company at Paris	Francs. 1,174,921.74			Francs. 1,174,921.74		
Furniture	Inventory.	Francs. 1,174,921.74			Francs. 1,174,921.74	
Lands—						
Lands, value	Inventory.					
Chattels	Inventory.					
Buildings	12,763,815.75			13,487,395.29		
Supplies and implements	103,518.19			106,518.19		
		12,870,333.94			13,593,913.43	
Transit and navigation—						
Chattels, etc	Inventory.					
Materials and tools in use	2,388,107.99			2,415,962.77		
		2,388,107.99			2,415,962.77	
Repairs, materials, and warehouses—						
Chattels	Inventory.					
Materials and tools in use	42,728,127.45			43,241,418.54		
Miscellaneous supplies	4,503,749.39			4,141,230.02		
		47,231,876.85			47,382,648.56	
Waterworks at Port Said, Ismailia, and Suez—						
Miscellaneous	Inventory.					
Conduits, reservoirs, and apparatus (supplies)	3,958,750.05			5,450,663.83		
		3,958,750.05			5,450,663.83	
Buildings under construction	741,342.43			570,243.66		
Work under way	2,776,267.12			2,578,856.33		
		3,517,609.55			3,149,099.99	
			71,141,600.12			73,167,210.37
			727,319,871.38			735,200,770.70
Cash and available resources:						
Cash, bank balances, and credits		18,167,903.22			21,763,207.76	
Amounts brought forward		11,442,949.82			5,453,628.35	
Bills, acceptances, and long-term investments		59,016,969.77			65,015,303.81	
Main agency in Egypt		802,821.23			2,057,932.22	
Various amounts due		10,432,125.82			13,120,848.05	
Checks		708,480.02			308,277.65	
			100,571,249.88			107,719,200.84
			827,891,121.26			842,919,971.54

Liabilities.	1910		1911	
Capital stock, 400,000 shares, at 500 francs, of which—				
In circulation, 1910, 379,421; 1911, 378,231	Francs. 189,710,500.00		Francs. 189,115,500.00	
Redeemed, 1910, 20,579; 1911, 21,769	10,289,500.00	Francs. 200,000,000.00	10,884,500.00	Francs. 200,000,000.00
Consolidation of arrears of interest, 400,000 debenture bonds, at 85 francs:				
In circulation, 1910, 374,960; 1911, 372,531	31,871,600.00		31,655,135.00	
Redeemed, 1910, 25,040; 1911, 27,469	2,128,400.00	34,000,000.00	2,344,865.00	34,000,000.00
Loan of 1867-8, 333,333 bonds issued, at 300 francs:				
In circulation, 1910, 112,723; 1911, 99,994	33,816,900.00		29,998,200.00	
Redeemed, 1910, 220,610; 1911, 233,339	66,183,000.00	99,999,900.00	70,001,700.00	99,999,900.00
Loan of 1871, 120,000 thirty-year debenture bonds, at 100 francs, redeemed		12,000,000.00		12,000,000.00
Loan of 1880, 73,026 three per cent bonds, first series, issued at various amounts:				
In circulation, 1910, 63,486; 1911, 62,944	23,472,729.95		23,272,335.83	
Redeemed, 1910, 9,540; 1911, 10,082	3,527,231.90	26,999,961.85	3,727,625.99	26,999,961.85
Loan of 1887, 238,964 three per cent bonds, second series, issued at various amounts:				
In circulation, 1910, 232,995; 1911, 232,592	97,501,633.03		97,333,039.21	
Redeemed, 1910, 5,969; 1911, 6,372	2,497,854.23	99,999,537.31	2,666,493.10	99,999,537.31
Loan of 1909, 13,098 3 per cent bonds, third series, issued at various amounts:				
In circulation, 1910, 12,616; 1911, 12,543	5,967,150.32		5,932,289.13	
Redeemed, 1910, 482; 1911, 733	227,977.68	6,195,128.00	345,673.87	6,278,963.00
		479,194,527.16		479,278,365.16
Sinking fund	57,776,910.73		62,223,935.63	
Insurance and contingent fund	1,500,000.00	59,276,910.73	1,500,000.00	63,723,935.63
Applied to construction or improvement of canal		151,174,307.30		151,174,307.30
		689,645,745.19		694,176,608.09
Statutory reserve		34,963,293.25		37,752,837.11
Extraordinary reserve		5,000,000.00		8,000,000.00
Sundry credits:				
Interest, dividends, and redemptions—				
Matured before Dec. 31, 1910-11	2,153,573.06		2,353,158.14	
Matured on Jan. 1, 1911-12	29,375,032.50		29,320,298.78	
	31,528,610.56		31,673,456.92	
Société Civile for the payment of 15 per cent Egyptian Government	4,436,619.72		4,436,619.72	
Bills of exchange payable	233,373.47		43,534.39	
Checks payable	2,450,950.50		2,618,289.84	
Sundry credits and accounts	6,564,736.04	45,214,299.29	6,375,935.65	45,152,886.52
Profit and loss:				
Net profit of operations, 1910-11	82,427,042.25		87,075,492.95	
Dividends already paid for year	29,577,464.78	52,849,577.47	26,577,464.78	57,498,028.17
Carried over to 1911-12		218,206.06		339,581.64
		827,891,121.26		842,919,971.54

Statutory division of profits.

	1910	1911
	Francs.	*Francs.*
71 per cent to stockholders	58,523,200.00	61,823,600.00
15 per cent to the Egyptian Government	12,364,056.33	13,061,323.94
10 per cent to the founders of the company	8,242,704.22	8,707,549.29
2 per cent to the administrative officers	1,648,540.85	1,741,509.86
2 per cent to the employees	1,648,540.85	1,741,509.86
Total	82,427,042.25	87,075,492.95

MARY E. QUINN.

Mr. PENROSE obtained the floor.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from South Dakota?

Mr. PENROSE. I rose to make a motion to adjourn, but the Senator from North Dakota [Mr. McCUMBER] informs me that he desires an executive session, and I will therefore withhold the motion.

Mr. McCUMBER. Mr. President, I move——

Mr. CRAWFORD. Mr. President——

Mr. McCUMBER. I will withhold the motion to accommodate the Senator from South Dakota.

Mr. CRAWFORD. Mr. President, there is one more bill, involving a claim for personal injury, which will only take a moment to consider. It is a very deserving case, and I should like to have it considered. I therefore ask unanimous consent for the present consideration of the bill (H. R. 644) for the relief of Mary E. Quinn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Mary E. Quinn, whose husband, James H. Quinn, was fatally injured by an accident at the Watertown Arsenal, Watertown, Mass., $1,500.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. McCUMBER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After four minutes spent in executive session the doors were reopened.

HOUR OF MEETING TO-MORROW.

Mr. CUMMINS. I move that when the Senate adjourns today it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. HEYBURN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 46 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 25, 1912, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 24, 1912.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieut. William Edward Wyatt Hall to be captain in the Revenue-Cutter Service of the United States, to rank as such from August 23, 1910, to fill the vacancy created June 19, 1912, by the retirement of Capt. John Ernest Reinburg.

UNITED STATES ATTORNEY.

D. Lawrence Groner to be United States attorney for the eastern district of Virginia.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Stephen Doherty to be a lieutenant.

Lieut. (Junior Grade) John T. G. Stapler to be a lieutenant.

Ensign Jonas H. Ingram to be a lieutenant (junior grade).

Asst. Paymaster Richard H. Johnston to be a passed assistant paymaster.

The following-named commanders to be captains:

Joseph Strauss,

Edward W. Eberle, and

William W. Gilmer.

Lieut. Commander Orton P. Jackson to be a commander.

Lieut. Sinclair Gannon to be a lieutenant commander.

The following-named ensigns to be lieutenants (junior grade):

James McC. Murray,

Reuben R. Smith,

Grattan C. Dichman,

Harry A. McClure, and

Samuel A. Clement.

Asst. Surg. Tharos Harlan to be a passed assistant surgeon.

POSTMASTERS.

COLORADO.

Edwin R. Heflin, De Beque.

IOWA.

Edwin H. Wilson, Cedar Falls.

MISSOURI.

L. H. Johnson, Kennett.

NORTH DAKOTA.

William H. Workman, Bowman.

PENNSYLVANIA.

J. W. Houck, Clymer.

SOUTH DAKOTA.

Leonard T. Hoaglin, Platte.

William P. Joseph, Wagner.

VIRGINIA.

John H. Ingram, Charlotte Court House.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 24, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou to whom we are responsible for every act, quicken, we beseech Thee, our conscience and clarify our spiritual vision, that we may make straight our paths by the absolute truth of our speech and the rectitude of our behavior, that peace and righteousness may possess our souls now and always. In the spirit of the world's great Exemplar. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 4012. An act to authorize the exchange of certain lands with the State of Michigan.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7027. An act to prohibit the importation and the interstate transportation of films or other pictorial representations of prize fights, and for other purposes; and

S. 4948. An act relating to inherited estates in the Five Civilized Tribes in Oklahoma.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

ASSISTANCE AND SALVAGE AT SEA.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from the further consideration of the bill (H. R. 23111) to carry into effect provisions of an international convention for the unification of certain rules with respect to assistance and salvage at sea, and to take up a similar Senate bill, S. 4930, from the Speaker's table and to consider and pass the same. I do not think there is any objection to the bill.

The SPEAKER. Is there objection?

Mr. WILSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to have some idea of how long it would take to dispose of the proposition presented by the gentleman from Missouri?

Mr. SULZER. It will take only a couple of minutes.

Mr. KENDALL. It will not be a contested matter.

Mr. SULZER. Mr. Speaker, I will say that there is no objection to the request of the gentleman from Missouri so far as the Committee on Foreign Affairs is concerned. The House bill was considered by that committee and was to be reported favorably, but was held in the committee pending advices from the Belgian Government through the State Department. We now have advices that ratifications of the treaty have been deposited with the Belgian Government, and hence this bill should be passed at the earliest possible moment. It is a meritorious measure. There can be no substantial objection to its present consideration.

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to inquire why the great hurry for passing this on Calendar Wednesday. It seems to me that we ought not to mutilate Calendar Wednesday too much.

The SPEAKER. The Chair will make this statement on his own account: Ordinarily he would not permit any business of this kind or any other kind to come up and crowd out Calendar Wednesday, even for five minutes; but we are reaching the end of the session—that is, we hope so [applause]—and these matters which are easy to dispose of in short order, it seems to the Chair, should be taken up. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would inquire of the chairman of the committee, the gentleman from Missouri [Mr. ALEXANDER], what the great hurry to pass this bill this morning is?

Mr. ALEXANDER. Mr. Speaker, there is no great hurry to pass the bill this morning, except that at this late date in the session it is important that this legislation should be enacted into law. I consulted the gentlemen who have the call to-day, and they said if it did not take more than a few minutes they would not object. I am not trying to obstruct the business of Calendar Wednesday and simply wish to get the bill through if possible, because it is one of great importance and has been pending for some time. The bill has already passed the Senate and is on the Speaker's table. It will not take more than a minute to pass it.

Mr. KENDALL. A similar bill was favorably considered by the Committee on Foreign Affairs of the House.

Mr. ALEXANDER. Yes; favorably considered, two months ago.

Mr. BUCHANAN. But, Mr. Speaker, we would like to know something about the time the bill will take.

Mr. ALEXANDER. I do not think it will take five minutes, unless some one wants to discuss it. If it takes too much time, I shall withdraw the request.

Mr. SULZER. No one, so far as I know, wants to discuss it. It will take only a minute to pass it.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as I understand it the request is to take the Senate bill from the Speaker's table?

The SPEAKER. Yes.

Mr. MANN. Reserving the right to object, I think the bill should be reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 4930) to harmonize the national law of salvage with the provisions of the international convention for the unification of certain rules with respect to assistance and salvage at sea, and for other purposes.

The SPEAKER. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the right to remuneration for assistance or salvage services shall not be affected by common ownership of the vessels rendering and receiving such assistance or salvage services.

SEC. 2. That the master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, crew, or passengers, render assistance to every person who is found at sea in danger of being lost; and if he fails to do so, he shall, upon conviction, be liable to a penalty of not exceeding $1,000 or imprisonment for a term not exceeding two years, or both.

SEC. 3. That salvors of human life, who have taken part in the services rendered on the occasion of the accident giving rise to salvage, are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo, and accessories.

SEC. 4. That a suit for the recovery of remuneration for rendering assistance or salvage services shall not be maintainable if brought later than two years from the date when such assistance or salvage was rendered, unless the court in which the suit is brought shall be satisfied that during such period there had not been any reasonable opportunity of arresting the assisted or salved vessel within the jurisdiction of the court or within the territorial waters of the country in which the libelant resides or has his principal place of business.

SEC. 5. That nothing in this act shall be construed as applying to ships of war or to Government ships appropriated exclusively to a public service.

SEC. 6. That this act shall take effect and be in force on and after July 1, 1912.

Mr. MANN. Mr. Speaker, still reserving the right to object, I understand from the gentleman that this bill is to carry out the terms of an international conference and that it meets the approval of the State Department and also of the Bureau of Navigation of the Department of Commerce and Labor.

Mr. ALEXANDER. Yes.

Mr. SULZER. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none. The Clerk will again report the bill by title.

The Clerk again reported the title of the bill.

The SPEAKER. The request of the gentleman from Missouri is to discharge the Committee on Foreign Affairs from further consideration of the House bill H. R. 23111 and to take up the bill S. 4930 and consider the same. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The bill H. R. 23111 was ordered to lie on the table.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to print in the RECORD in connection with this matter a letter from the Secretary of State and advices from the Belgian Government.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The letter and advices are as follows:

DEPARTMENT OF STATE,
Washington, July 17, 1912.

The Hon. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives.

SIR: Referring to the department's letter of the 17th ultimo, in regard to the bill H. R. 23111, now under consideration by your committee, "To carry into effect the provisions of a convention for the unification of certain rules with respect to assistance and salvage at sea," I have the honor to inclose for your information in connection with the matter a translation of a note from the Belgian minister at this capital.

I have the honor to be, sir,
Your obedient servant,
P. C. KNOX.

(Inclosure: from Belgian minister, July 6, 1912.)

(Translation.)

LEGATION OF BELGIUM,
Washington, July 6, 1912.

His Excellency the Hon. PHILANDER CHASE KNOX,
Secretary of State, at Washington.

MR. SECRETARY OF STATE: The international conventions with respect to collisions and to assistance and salvage at sea which were signed at Brussels, September 23, 1912, contain in articles 16 and 18, respectively, the following provisions as to their ratification and going into effect:

"The present convention shall be ratified.

"At the expiration of the term of one year at the latest from the date of the signature of the convention the Belgian Government will enter into communication with such Governments of the high contracting parties as shall have declared their readiness to ratify it, to the end of coming to a decision as to whether it is proper to put it into force.

"The ratifications will, the case arising, be immediately deposited at Brussels, and the convention will go into effect one month thereafter.

"The protocol will remain opened for another year to the States represented at the Brussels conference. After that period they could but adhere in accordance with the provisions of article 15 (17)."

As is known, the reason why the formality of ratification was deferred is that in many of the signatory countries the conventions could not receive legislative sanction in good time.

It appears from the information in the hands of the King's Government that a certain number of powers are now in position to ratify the conventions.

They are Germany, Belgium, the United States of America (as regards the convention relative to salvage, the collision conventions not having yet secured legislative approval), Great Britain (His Britannic Majesty's Government would at the same time adhere for British India, the Crown colonies and protectorates possessing sea coasts, Cyprus, and the South African Union), Greece, Mexico, Roumania, and Russia.

Several of these countries have even expressed a desire to be allowed to deposit their ratifications at this time.

It would thus seem that the time has come to take up the question of putting the conventions into force. The King's Government believes it may suggest the date of October 1 next to that effect. The ratifications should then, under the provisions quoted above, be deposited one month earlier; the protocol of deposit of ratifications would bear date September 1, 1912.

According to the information obtained by the King's Government it seems certain that countries other than those above named, France notably, will be in a position to ratify the conventions before September 1. In any event, in accordance with the provisions above referred to, the protocol will remain open for one year to the signatory powers which could not ratify on that date.

The King's Government indulges the hope that the dates above indicated will meet with the approval of the American Government, and

that it will be able, on the 1st day of September next, to ratify not only the salvage convention, but also that dealing with collisions.

I have been instructed by my Government to forward this communication to your excellency.

I embrace this opportunity, Mr. Secretary of State, to offer to your excellency the assurances of my highest consideration.

E. HAVENITH.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, and ask unanimous consent to disagree to the amendments of the Senate and ask for a conference thereon.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the Indian appropriation bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

The SPEAKER. The gentleman from Texas asks to disagree to the Senate amendments and ask for a conference.

Mr. MANN. Mr. Speaker, reserving the right to object, it will take an hour or more to report the amendments, which I do not think will be necessary. I will say to the gentleman when that is done I desire to occupy a little time on the subject, and I think the gentleman would not desire to have that done to-day.

The SPEAKER. The gentleman from Illinois objects.

BILLS ON THE UNANIMOUS-CONSENT CALENDAR.

Mr. UNDERWOOD. Mr. Speaker, a week ago last Monday, *unanimous-consent* day, the Unanimous Consent Calendar was not finished. There are five Mondays in this month. There are still bills pending on that calendar—a very large calendar—and I ask unanimous consent that on next Monday, which is the fifth Monday in the month, that business which is in order on unanimous-consent day, suspension day, may be in order.

The SPEAKER. The gentleman from Alabama asks unanimous consent that business which is in order on the first and third Mondays—unanimous consent, suspension of the rules, discharge of the committees—shall be in order next Monday, which is the fifth Monday. Is there objection? [After a pause.] The Chair hears none. The call of the House rests with the Committee on Labor, and the unfinished business is the bill H. R. 18787. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of that bill, and the gentleman from North Carolina [Mr. PAGE] will take the chair.

LIMITATION OF HOURS OF EMPLOYEES ON PUBLIC WORKS.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18787, with Mr. PAGE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. BUCHANAN. Mr. Chairman, the purposes of this bill are similar to other eight-hour bills which have been considered by the Congress from time to time, I believe, since 1868. This particular bill has been made necessary due to a decision rendered by the Supreme Court defining dredge workers as seamen, and therefore claiming that the eight-hour bill enacted in 1892 did not apply, and in regard to that I want to read to the committee extracts from the dissenting opinion by Mr. Justice Moody, as follows:

I am unable to agree with the opinion of the court so far as it relates to the employment for more than eight hours a day of men engaged in work on the dredges and scows. * * *

The first question is whether the men named in the information were employed by the defendants "upon any of the public works of the United States" within the meaning of those words as Congress used them. * * * The dredging of channels in our waterways is not mere digging. It has for its purpose the creation of something with as visible a form as a cellar to a house, etc. Surely all these are works, and, if constructed by the Government, "public works." * * * For example, the appropriation for one of these works in question in these cases is in the following terms: "The following sums of money * * * are hereby appropriated * * * for the construction * * * of the public works hereinafter named. * * * For improving said harbor in accordance with the report submitted in House Document No. 119, Fifty-sixth Congress, second session, by providing channels 35 feet deep, * * * $600,000." That is to say, at the very threshold of the inquiry we find that the Congress which had forbidden a longer day's work than 8 hours upon "the public works of the United States" had, upon undertaking this very work, deliberately called it a "public work."

The cogency of the argument arising from the use of the same words in the eight-hour law as in the appropriation law can not be met by the suggestion that it is easy to read the words in the eight-hour law in a narrower sense than they were used in the appropriation law. The question here is not how the words may be interpreted, but how they ought to be interpreted. There is no necessity to explore the possibilities of escape from the intention which Congress has made sufficiently plain. * * *

The second question is whether the men named in the information were laborers or mechanics. * * * The men who were employed upon the dredges were not seamen, in respect of the work they were actually doing. The master and engineer of the dredge were not licensed, and the men employed upon it seemed not to have entered into any contract of shipment. * * * All those who were engaged in the work may be described as either laborers or mechanics. They had nothing whatever to do with navigation. They were towed to the place where the work was to be done and there left to do it.

It does not seem to be important that for some purposes the scows and dredges were vessels, or those employed upon them for some purposes are deemed seamen. The question here is what were the men when they were engaged in the work of excavation? Were the men at that time employed as seamen, doing the work of seamen, or as laborers and mechanics, doing the work of laborers and mechanics? I think they then were laborers and mechanics, and employed as such, and that their occupation is determined not by what they have been in the past, or by what their employers chose to call them, but by what they were doing when the Government invoked the law for their benefit. * * * Nor was their work in dredging incident to their employment on the dredges, but quite the reverse. They never would have been employed at all except for dredging. They never would have set foot on the dredge save to use it as a platform on which to do the work of laborers and mechanics. * * * They were employed to do the work of laborers and mechanics; in the main they actually did that work, and whatever they did which was of the nature of seamen's work was a mere incident to the fact that they labored upon a floating platform instead of upon the dry land. * * * When the intention of the legislature is reasonably clear, the courts have no duty except to carry it out. The rule for the construction of penal statutes is satisfied if the words are not enlarged beyond their natural meaning, and it does not require that they shall be restricted to less than that.

I am authorized to say that Mr. Justice Harlan and Mr. Justice Day concur in this dissent.

I probably should have stated first, Mr. Chairman, that this decision was rendered, I think, in about 1906, some years after this law had been passed, and was supposed to cover work of this nature; and, I think, about 1906 there were prosecutions started against those who had violated this law, and they were convicted and penalized, and this decision was the result of an appeal to the Supreme Court; and it is very evident that judges who render decisions of this character do it because they are rendering these decisions as they think the law ought to be, not as the law reads. There has never been a time before that dredge workers were classed as seamen, and it is apparent—to me at least— that they were called seamen at that time by the employers and by the judges for the purpose of blocking the efforts of Congress to reduce the hours of those engaged in this labor from 12 to 8. Now, for the information of the Members here present I want to say it is not my purpose to take up much time—I do not believe it is necessary, because I think the matter is generally understood—but I would like, however, to give some statements which were made by the secretary and treasurer of the steam shovel and dredgemen's organization, Mr. Thomas J. Dolan, who I believe is a man who has the confidence of the employers as well as the employees; and he states that he and his associates represented about 100,000 men, not claiming that they are all working at the class of work that this bill will cover, due to the fact it is difficult to organize that class of men.

In answer to the questions that were asked Mr. Dolan as to improvements in this kind of work, he stated before the committee in the hearings that the efficiency of the men has been increased more than 100 per cent; in other words, that the workmen to-day are doing more than double the amount of work which they did some 15 or 20 years ago, and that it seems to be largely due to the fact that through organization they are able to secure better conditions, and, therefore, the workmen are more efficient.

Also, Mr. Martin Cole, representing the Licensed Tugmen's Protective Association, has stated that the increased productive powers, due to the new methods of production in this industry and efficiency of workmen together, has increased from 1,000 to 1,500 yards daily to 6,000 to 7,000 yards daily. In other words, the new equipments of to-day, with the improved efficiency of the workmen, have increased the productive power of work of this nature from 1,000 to 1,500 yards a day to 6,000 to 7,000

yards a day. It does seem to me that the men who are a part of this industry are entitled to some of the benefits of this increased production in the way of reduction of hours, even though it might reduce their productive capacity to a small extent.

I do not feel that it is necessary for me to take any further time of the House in regard to this matter, and I will close by saying that in this age there is certainly not anyone who desires to oppose the reduction of hours, and especially in cases where it is shown they are working from 12 to 14 hours, and no objections to this bill which provides for putting the work under the eight-hour system, as we have done with other work for which the Government contracts. And it can be done, in my judgment, without a great hardship upon the contractors who are employing these workmen.

Mr. RANSDELL of Louisiana. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Illinois [Mr. BUCHANAN] yield to the gentleman from Louisiana [Mr. RANSDELL]?

Mr. BUCHANAN. I will.

Mr. RANSDELL of Louisiana. I would like to ask the gentleman whether or not, if this bill becomes a law, the levee work provided for by the bill which was passed several days ago, and which was declared under the terms of that bill to be "extraordinary emergency work" would be excluded from the terms of the eight-hour law?

Mr. BUCHANAN. This exempts extraordinary emergency work. At the bottom of page 2 it reads:

Except in cases of extraordinary emergency.

Mr. RANSDELL of Louisiana. Then, do I understand you to say that in your judgment the words which I show you here in the river and harbor act, on page 48 of the bill, as presented to the House, reading, "which shall be considered extraordinary emergency work," would be considered as exempting this work from the terms of your bill?

Mr. BUCHANAN. I wish to say, unless it is extraordinary emergency work, I would not want it excluded. If this work becomes extraordinary emergency work, due to the fact that there shall be a loss of property or life, then this provision in the bill excludes it. I do not know why it is defined as "extraordinary emergency work." Possibly it was because a property loss would result unless this was done as emergency work, and it has to be expedited as fast as possible. I do not know of any other reason why Congress would put such a provision in the bill.

Mr. RANSDELL of Louisiana. That is true beyond question. I was simply asking the gentleman what his construction of the use of these words would be, as to exempting the levee work from the terms of your bill?

Mr. BUCHANAN. I will say, so far as I can see the words are the same, unless the work has been wrongly defined, and unless the work has been wrongly defined I suppose it would exclude it, in my opinion, as long as you have it in that paragraph.

Mr. RANSDELL of Louisiana. I wish to ask the gentleman a question. I notice on line 12, page 2, of the bill these words are used:

Which eight hours shall terminate within nine hours from the beginning of workday.

Now, under the strict construction of those words I would like to ask you how many shifts will be required to take care of the operation of locks on rivers or canals where boats are required to pass through during all portions of the night and day.

Mr. BUCHANAN. I do not believe I understood the question.

Mr. RANSDELL of Louisiana. To repeat my question: Under the terms of this bill, which reads, "Which eight hours shall terminate within nine hours from the beginning of workday," suppose we have a case of a lock on some river where perhaps there are not more than 8 or 10 boats passing during the day—in other words, not more than 8 or 10 lockages during the day. The lock keeper lives in a house adjacent to the lock, and yet he can not serve for more than nine hours from the time he begins work, when he must quit his duty. Would not that require, in the case I have stated, three shifts of men to take care of that lock?

Mr. BUCHANAN. I think it would.

Mr. RANSDELL of Louisiana. And do you not think that might be made an exception from the general terms of the bill? I wish to say to the gentleman that I am heartily in accord with the general terms of his bill, but I ask him if he does not think in that case there might be an exception?

Mr. BUCHANAN. Well, there are probably cases it would be reasonable to define as exceptions; but I find that where you make exceptions in matters of this kind they are always abused, and one of the reasons why we made this provision which you speak of in the bill is because the representatives of the tug workers complained that their work had been strung out over, we will say, 16 hours a day. Possibly while not actual work for that length of time, it was, of course, the same, because they had to spend the time there on the job. It was to prevent the abuses they complained of in regard to that that we put the provision in there. There may be circumstances that would appeal to one as being exceptions to the rule. Now, we have our police forces, for instance, and clerks often that do not have any hard work to do and their work is not continuous. Still it is generally considered that about eight hours are sufficient for workmen of any kind, whether the work is mental or otherwise, in order that the workmen should be most efficient to do the work.

Mr. RANSDELL of Louisiana. Now, in regard to cooks and waiters, for instance, on the tugs and dredge boats. I assume that they have to get up pretty early in the morning and get the breakfast ready an hour or two, at any rate, before the crew would begin work. They certainly must have a good deal of rest time during the day, and unless you would except them from the terms of this bill you would have to have two sets of cooks and two sets of waiters, would you not? I am simply calling this matter to the gentleman's attention, so that he may present an amendment which would accommodate the bill to the purposes for which it was drawn and yet not work great hardships in some of these isolated cases.

Mr. BUCHANAN. I am not familiar with the work of cooks and waiters on the boats. I suppose, though, in cases where they work three shifts, their hours should be shortened in some manner or other. I am not prepared to answer whether it is proper to shorten the time of cooks or not. I am not prepared to answer that.

Mr. SPARKMAN. Mr. Chairman, in addition to the class just mentioned by the gentleman from Louisiana, I would like to suggest another, such, for instance, as master's mates and the like of dredge boats, who in many instances must necessarily be on duty more than eight hours at a time, nor do I understand they wish to come under the 8-hour law. Now, this 8-hour provision, as I see it, might be very readily applied to operators of dredging machinery who live on shore, as many do, simply going on board of a dredge during the day, but hardly to those working irregularly or to master's mates, crews of vessels, and the like. Its application to them, it seems to me, might in many instances result in the smallest amount of labor for the daily wage and often in the doubling and trebling of the number of employees doing a given kind of work. To require the contractors to have two or three shifts during the 24 hours might be putting an unnecessary hardship on the Government, without any compensating benefit to the laboring classes or to the people at large.

I want to say right here, as was said by the gentleman from Louisiana [Mr. RANSDELL], that I am thoroughly in sympathy with this class of legislation, and sincerely believe in the application of the 8-hour law to laborers and mechanics, in short, to nearly all classes of steady workers. But where a person works irregularly or intermittently, I doubt if he should be subjected to a provision such as the 9-hour provision in lines 12 and 13 of the bill.

Mr. BUCHANAN. That bears out what I said a moment ago. The minute you start to make exceptions there is always somebody who will want to make the exceptions general. The fact is that eight hours' work is sufficient for any man per day, whether he is at actual hard labor or not, because, taking in the time that he uses in getting to and from his work, a man is usually required to spend 10 hours of his time in performing eight hours' work. The workman who usually works eight hours is away from home generally 10 hours, because it usually takes him an hour to get to his work and get ready, and also an hour to get away, and so forth. The minute you start to talk about exceptions, it seems, the next you know is that you have got them generally applying to everything.

Now, the conditions that are maintained at this time on certain kinds of dredge work are such that, in my opinion, the lives of the men working thereon are a blank, so far as concerns their having any intercourse or association with any sort of society, except with those who work with them. In some cases they go out and work for a week or for a month on a single trip. In olden times, I believe, it was stated that they stayed out for a month at a time, and when they did get back to civilization, as was said by one of the witnesses who was before the committee, they tried to take in everything in about half a day or so, and that condition tends to degenerate the human kind.

Mr. SPARKMAN. I am not criticizing the general purposes of the bill. I will say to the gentleman I favor its passage.

Mr. BUCHANAN. Well, the same argument has been made at all times when you have tried to secure a reduction of hours. Now, I am not stating that the gentleman who makes the inquiry looks at it from that point of view, but it seems to me that not only in the recent past, but for ages, anything that may interfere with profit has been looked upon with disfavor, and the dollar has stood above the man. In the consideration of these measures one reason why we have made such slow progress in our battle for shorter hours in this country and in Europe for the last 100 years is the fact and the argument that there is danger of interfering with the profit of the manufacturer or the employer. It is true that the reduction of hours, as has been shown time and time again, has brought about an improvement to the workman and an increase of his efficiency, and probably in the run of years has produced no loss to the manufacturer or employer; and yet that argument has borne and *still* bears most heavily against us. However, we are getting away from that to a certain extent, as I hope and believe, and I believe that the gentleman himself has gotten away from it.

Mr. SPARKMAN. I beg the gentleman's pardon. I understand thoroughly and am in sympathy with the intention of the bill, but, in my opinion, exceptions ought to be made. You can not make a law applicable to all conditions. Exceptional conditions arise, and they should be taken into consideration when we legislate.

But here is what I want to ask of the gentleman: I understand, of course, that we should not always take into account the matter of expense, but has the gentleman considered how great the additional expense would be to the Government in the matter of river and harbor work if the bill passes in its present shape?

Mr. BUCHANAN. Well, judging from past experiences in regard to the reduction of hours in other industries, I think the expense will not be great. I will say, however, that if it were I would still be in favor of the bill just the same, because I believe in putting humanity above the matter of dollars. But in my judgment, based on past experience, the additional expense to be incurred would not be great.

I want to call my friend's attention to the difficulty of making provisions such as the gentleman is speaking of. This law, for instance, has been made necessary in order to protect certain workers, because of the fact that employers have continually tried to evade the law. The adoption of the eight-hour law in 1892 was made necessary owing to the fact that not only employers, but the department officials, were endeavoring to evade the law, and there are decisions of judges the effect of which is to nullify the provisions of the law. I might read to you what President Grant had to say about the law of 1868. He issued a proclamation on May 19, 1869, for the purpose of checking abuses which were preventing the generous objects of the statute, by declaring that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction in the hours.

He issued another proclamation on the same question in 1872. In order to evade the provision of this law the Department of Justice had held that the act of June 25, 1868, was not applicable to mechanics, workmen, and laborers in the employ of contractors with the United States; that the act was not intended to extend to any others than the immediate employees of the Government; and in United States against Martin the Supreme Court of the United States rendered a decision in respect to the eight-hour law of 1868 which practically destroyed that law and defeated the good intention of the legislators who enacted it.

Mr. SPARKMAN. I do not wish to be understood as opposing the bill. I am in favor of it.

Mr. BUCHANAN. I am pointing out these things to the gentleman to show why it is practically impossible to include the provision to which he refers. If it is included, it will be applied to everything in the industry, as it has been applied, by the assistance of the Federal judges.

Mr. SPARKMAN. I do not know that it is true, but I am informed by what I consider competent authority that this provision will add to the cost of river and harbor work perhaps 50 per cent. I refer more particularly to the language in lines 12 and 13, page 2:

> Which eight hours shall terminate within nine hours from beginning of workday.

Mr. BUCHANAN. Such a statement is erroneous.

Mr. SPARKMAN. I do not know how much the cost would be increased, but I know it would be very greatly increased.

I notice there is a difference made in here between the contractor or subcontractor on work other than river and harbor work done by the Government or its contractors and on river and harbor work. Perhaps I can best show what I mean by quoting the first part of section 1:

> SECTION 1. That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States or the District of Columbia, or by any contractor or subcontractor, upon a public work of the United States or of the District of Columbia.

That refers to work other than river and harbor work, while the provision in regard to rivers and harbors seems to be much broader.

Why is this distinction made in river and harbor work and all other classes of Government work?

Mr. BUCHANAN. I am of the opinion that this is similar to the other eight-hour measures. I do not think there is much difference. The intention is the same. The arbitrary decision of judges, who apparently have seen things through the eyes of the employer for profit instead of taking the humane side of the question, have made it necessary in drawing many bills to make the language broader, or else the language will be defined as meaning something else than what those who enacted the law intended. If it is any broader, that is probably the reason for it.

Mr. BATHRICK. May I ask a question? The statement has been made, has it not, that this bill would increase the cost 50 per cent?

Mr. SPARKMAN. I have known from the engineer's department that it will probably reach that figure, at least 50 per cent, and one of them put it much higher than that.

Mr. BATHRICK. Mr. Chairman, I desire to state that on all the hearings upon the subject of the reduction of the hours of labor of workmen employed upon Government contract work to eight hours, it has been demonstrated and stated by the contractors themselves that the difference in cost would not exceed in the neighborhood of 10 per cent, and I can not understand how this reduction of hours would exceed 10 per cent. I can not understand upon what basis anybody should make the statement that it would increase the cost 50 per cent.

Mr. BUCHANAN. Such a statement is erroneous.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. Mr. Speaker, I want to say that that has been the argument of all of the opponents of the eight-hour bills or bills for the reduction of hours of any kind for the last 100 years. In England in 1802 when they cut down the hours of apprentices to 72 a week the manufacturers there said that it was going to put them out of business. The same argument has been made from that time to this not only in this country but in the European countries by the employers of the country that the excessive cost would make it impossible to comply with it. That is an erroneous argument, and it does not have much weight with me, although I am always glad to listen to any side of a question. It is not my purpose, and never has been, to obstruct the business of this country, but I claim that any law which tends to protect humanity not only does not obstruct business but that it adds to business and strengthens and improves it.

Mr. BUTLER. Mr. Chairman, I have listened with patience, and this is the first time that I have heard it stated that it has been estimated anywhere that it would increase the cost of production 50 per cent. Will the gentleman please inform me where that suggestion comes from?

Mr. BUCHANAN. The gentleman from Florida [Mr. SPARKMAN] made the statement.

Mr. SPARKMAN. Mr. Chairman, I made the suggestion that it had been stated to me that the enactment of this bill into law, as it now stands, would cost the Government anywhere from 33⅓ per cent to 50 per cent. One of the engineers placed it even higher than that. A statement made by the gentleman from Illinois a while ago would show that in one class of work it would likely increase the cost at least 200 per cent. He admitted that where there is only one set of men now needed in the opening or tending of locks, this bill would require three. In other words, three shifts. They would certainly increase the cost as much as 200 per cent anyway.

Mr. BUTLER. The gentleman is now speaking of river and harbor work?

Mr. SPARKMAN. That is what we were discussing; yes.

Mr. BUTLER. Has that been the subject of discussion between the gentleman from Florida and the gentleman from Illinois?

Mr. SPARKMAN. Yes.

Mr. BUTLER. I am obliged for the information.

Mr. SPARKMAN. It has hardly been a discussion. It was more of a colloquy.

Mr. BATHRICK. Mr. Chairman, how would it be possible to increase the cost by 50 per cent, the cost of dredging, if the

labor were increased only about 20 per cent and increased efficiency would flow from shorter hours?

Mr. BUCHANAN. Mr. Chairman, I desire to state the ridiculous position in which the Government has been in regard to this eight-hour-a-day matter, and I want to read a part of the hearings to bear out what I say. Mr. W. B. Jones, the general president of the International Dredge Workers' Protective Association, was before the committee, and he said:

Mr. JONES. There has been a great deal of dredging done; take, for instance, the cities of Cleveland and Buffalo.

Mr. MAHER. Did they have regulations providing the eight-hour day?

Mr. JONES. Yes, sir; eight-hour day. For illustration, we will take the city of Buffalo, and they did some dredging in the rivers there for the State, in connection with the channel that is going through; the men on this dredging work for the State of New York and the city of Buffalo worked eight hours, on the canal, but the Government building the river or harbor part between the two ends of the canal in Niagara River, that work was let by the Government and that is all done at 12 hours.

Mr. MAHER. Practically all the dredge work is done by the Government, initiated by the State, Navy, or National Government.

Mr. JONES. Yes; some private work, but not to speak of, and the difference is men will be working in sight of one another, some working for the city or State and working eight hours, and others working under Government contract where you could almost throw a stone at one another, and working on the Government work 12 hours. That is, contract let by the Government.

In other words, the Government work was being done under a 12-hour day and the work for the State of New York and the city of Buffalo under an 8-hour day, practically in the same place, under the same conditions, the same structure, and the same canal or harbor. If any gentleman thinks that we should let a condition like that continue, I shall have to differ with him.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Georgia.

Mr. TRIBBLE. I will ask the gentleman if his bill and this class of legislation will not have a tendency to create a monopoly in the hands of a few men who furnish material to the contractors in doing Government work? In other words, material must be purchased from men whose labor work is done under the eight-hour-a-day law. Take the South, for instance. Suppose there is a contract down there on some of the rivers for Government work or the construction of a building. How can a farmer or a millman who is working a few hands out in the forest and who is able to get the material and yet does not comply with the eight-hour-a-day law furnish any of that material to the Government?

Mr. BUCHANAN. I want to say to the gentleman that this has nothing to do with material itself. It is Government contract work for rivers and harbors.

Mr. TRIBBLE. But the same principle runs through all Government work, and the gentleman knows that the law forbids Government contractors from purchasing material from anyone who works labor over eight hours.

Mr. BUCHANAN. That may be, but I want to say in regard to the monopoly that it seems that we have already a monopoly in this work. The representative of the Employers' Association, Mr. William C. Ryan, who is a very nice gentleman, the secretary of the Dredge Owners' Protective Association, says that they are organized, and organized for the purpose of stopping the Government doing its own work evidently. That was one of the purposes. The Government had been doing its own work to such an extent that it was about to put the contractors out of business, so they have organized for that purpose and probably now have a monopoly. I am not prepared to state about that, but this will have nothing to do with a monopoly part of it anyway.

Mr. TRIBBLE. The gentleman seems to speak officially for the Government employees, and I will ask him to state to what extent this eight-hour-a-day law and the reduction of a day's labor is going to be carried in Government employees? You have come down in the number of hours from year to year. How many more will be required in the course of time? Will the gentleman state what the gentleman thinks ought to be a day's labor?

Mr. BUCHANAN. The requirements of humanity would satisfy me and nothing else.

Mr. TRIBBLE. What does the gentleman think ought to be a day's labor now?

Mr. BUCHANAN. Well, it is the general opinion at this time that eight hours is a fair day's work. I am not an authority on that question, however.

Mr. TRIBBLE. I will ask the gentleman if he did not hear Mr. Carroll say in the Committee on Naval Affairs that there would soon be a movement when the men would demand seven and a half hours for Government employees, and does not the gentleman vouch for Mr. Carroll, and did not the gentleman bring Mr. Carroll there? Is not that true? I ask the gentleman if Mr. Carroll did not say a movement was on foot to reduce the hours to seven and a half? Now, will the gentleman answer me that question? Did he say that?

Mr. BUCHANAN. I am not responsible for what Mr. Carroll says.

Mr. TRIBBLE. You vouch for him.

Mr. BUCHANAN. Well, that may be true that conditions may require that for humanity, but I wish to say when that question becomes an issue it is time enough to discuss the question.

Mr. TRIBBLE. It seems to me it is the issue now.

Mr. BUCHANAN. I want to read for the benefit of some gentlemen here, and who do not seem to understand—I will ask the gentleman if he is opposed to an eight-hour day?

Mr. TRIBBLE. I will say to the gentleman that I do not think that a Government employee has any more right to claim eight hours as a day's labor than the man who works upon the farm.

Mr. BUCHANAN. It is not a question of Government employees.

Mr. TRIBBLE. I say that Government employees ought to work just as long as any other employees in this country. I do not propose to make any preference in regard to Government employees.

Mr. BUCHANAN. That is not an answer to my question. I asked the gentleman whether he is in favor of the eight-hour day or a shorter working day.

Mr. TRIBBLE. I answered that question.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. For the benefit of some gentlemen here I will read this, and then I will yield as soon as I do so. I have an extract here from what Mr. Carroll D. Wright, then Commissioner of Labor, wrote relative to the eight-hour law in the Fifty-fifth Congress. He says:

The policy of this class of legislation has therefore been settled by Congress, and I need not discuss this phase of the question. All such laws are enacted for the purpose of protecting the laboring man from the injurious consequences of prolonged physical effort, giving him more time for his personal affairs, and more time and energy to devote to the cultivation of his moral and mental powers. It has always been expected that they would aid him in the acquisition of knowledge, thus tending to make him a better and more contented citizen. This policy must be admitted by all to be a good one. The only difficulty is in so shaping legislation as not to interfere with necessary economic conditions. The Federal Government has long been committed to this policy; therefore the principle of the proposed bill may be considered as settled and approved.

Now, I want to read further what our martyred President McKinley said in the House of Representatives on August 28, 1890. He said:

And the Government of the United States ought, finally and in good faith, to set this example of eight hours as constituting a day's work required of laboring men in the service of the United States. The tendency of the times the world over is for shorter hours for labor—shorter hours in the interest of health, shorter hours in the interest of humanity, shorter hours in the interest of the home and the family—and the United States can do no better service to labor and to its own citizens than to set the example to States, to corporations, and to individuals employing men by declaring that, so far as the Government is concerned, eight hours shall constitute a day's work and be all that is required of its laboring force.

Therefore, Mr. Speaker, this bill should be passed. My colleague, Mr. Morey, has stated what we owe the family in this connection, and Cardinal Manning, in a recent article, spoke noble words on the general subject when he said:

"But if the domestic life of the people be vital above all; if the peace, the purity of homes, the education of children, the duties of wives and mothers, the duties of husbands and of fathers, be written in the natural law of mankind, and, if these things are sacred, far beyond anything that can be sold in the market, then I say if the hours of labor resulting from the unregulated sale of a man's strength and skill shall lead to the destruction of domestic life, to the neglect of children, to turning wives and mothers into living machines, and of fathers and husbands into—what shall I say, creatures of burden? I will not say any other word—who rise up before the sun and come back when it is set, wearied and able only to take food and lie down and rest, the domestic life of man exists no longer and we dare not go on in this path."

Mr. Speaker, we owe something to the care, the elevation, the dignity, and the education of labor. We owe something to the workingmen, and the families of the workingmen throughout the United States, who constitute the large body of our population, and this bill is a step in the right direction.

Mr. TRIBBLE. Will the gentleman answer me a question? The gentleman discussed labor in general and employees in general, and I want to ask the gentleman why he makes a distinction between Government employees and other labor. This provides for Government employees.

Mr. BUCHANAN. I make no distinction.

Mr. TRIBBLE. The gentleman does in his bill.

Mr. BUCHANAN. I will say, for the gentleman's information, it is not my bill.

Mr. TRIBBLE. But you are advocating it.

Mr. BUCHANAN. My colleague from Illinois [Mr. WILSON] introduced the bill, and I undertook the work of reporting it to the House.

Mr. TRIBBLE. Why does not the gentleman offer an amendment putting all employees in the same category?

Mr. RANSDELL of Louisiana. Will the gentleman yield for a question?

Mr. BUCHANAN. I now yield to my colleague from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I may ask the gentleman some questions which have already been asked and answered, possibly, because it was impossible on this side to hear most of the questions which were asked and answered. As I understand it, the existing law applies only to laborers and mechanics, and that the courts have construed that it does not apply to men on dredges because, under the construction of the courts, they are seamen.

Mr. BUCHANAN. The gentleman states it correctly.

Mr. MANN. The purposes of this bill primarily is to cover these dredgers under the eight-hour law.

Mr. BUCHANAN. Yes, sir.

Mr. MANN. Let me ask the gentleman this question, if I may: In the case of dredges owned by the Government, men go on the dredge and live there. The same is true concerning dredges owned by contractors. I suppose somebody is in charge of the dredge. I do not know what the title would be—master or captain. Under the provisions of this bill as it stands now, would not every person on the dredge be limited to eight hours' work, not more than nine hours after the commencement of the working day?

Mr. BUCHANAN. I think so.

Mr. MANN. Would it be possible to operate a dredge in that way?

Mr. BUCHANAN. Oh, yes; I think so.

Mr. MANN. Now, the language of the bill is——

Mr. BUCHANAN. The fact is, I will say to my colleague, before this law was declared unconstitutional, or before it was declared that dredgemen were seamen, they were working on the eight-hour day——

Mr. MANN. I will say to my colleague that I am perfectly in accord with the desire of the bill, but——

Mr. BUCHANAN. I will say that I believe it is practicable.

Mr. MANN. The question is whether it is practicable that the man in charge of the dredge shall be confined to more than eight hours from the beginning of the workday, and that the cooks and anybody else connected with the dredge shall be confined in the same way?

Mr. BUCHANAN. I want to say that it is my personal opinion, though. Really I had not thought about the cooks and employees of that kind, and I never thought about this law applying to them. I do not consider the man who represents the company on any construction work an employee or workman in the sense that this bill was intended to apply, but he is an agent of the company, and in a different capacity from a workman.

Mr. MANN. I am asking these questions in the hope that we may arrive at some amendment to the bill which would make it workable, and therefore make it practicable to pass it and make it a law. The gentleman will notice that in the original act it says "laborers and mechanics." That, under the construction of the court, is not sufficient to cover the seamen. This bill says that all persons engaged in constructing, maintaining, or improving a river or harbor. And, I take it, that that means all persons who are paid out of an appropriation for that purpose.

Mr. BUCHANAN. Well, I will say to my colleague that he has had a much wider experience than I have with these matters. In fact, I did not draft this bill myself.

Mr. MANN. I understand.

Mr. BUCHANAN. But we want the bill to be practical. I will say that if there is any amendment that could be offered that would make it more workable, personally I would have no objection to it. I want to say that I am only one, and can not speak for anyone else.

Mr. MANN. I appreciate that. The gentleman knows, however, that, as a rule, one body of Congress may pass a bill which is not likely to pass the other body where there is something in the bill that is objectionable. I was wondering if there was not some description of these men that could be inserted instead of saying "all persons." "All persons" would probably include the United States Army engineers, and from them down to charwomen. It certainly would include the men in charge of the dredge. It certainly is not desirable to have three different men in charge of the dredge at different times as the only person in charge.

Mr. BUCHANAN. Has the gentleman any suggestion to make with regard to the matter?

Mr. MANN. So far as covering "seamen" is concerned, so far as the decision of the court is concerned, it would be sufficient to provide for seamen engaged in river and harbor work, but I am not sure that that is sufficient as a matter of desirability. I have no objection to applying the eight-hour law wherever it can be applied.

Mr. BUCHANAN. The purpose of the bill is, of course, to make it apply to dredge work.

Mr. MANN. Although I could not hear all that was said, take the case that has already been alluded to as to locks. There are certain places where locks are maintained under the river and harbor work. Of course it is perfectly patent that the lock keeper who opens a lock a few times a day has little labor to perform at any time. And there is no reason for keeping three sets of lock keepers. I do not think anyone desires to have that done in the case I mentioned, if there is such a case.

Mr. BUCHANAN. I should think there ought to be some provision to make an exception for such cases, but it is difficult to do it. The purpose of the employers almost invariably is to endeavor to evade the purposes of the law. If it was not for that it would be easy to arrange those things. But the trouble with the eight-hour laws and all other laws for the benefit of labor has been that it is necessary to make them broad, because there has been a tendency on the part of the employer to evade them.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. BUCHANAN] has expired.

Mr. MANN. How much more time does the gentleman want?

Mr. BUCHANAN. I can answer some further questions.

Mr. RANSDELL of Louisiana. I hope the gentleman's time will be extended, as I want to ask him some questions. I ask that his time be extended 20 minutes.

The CHAIRMAN. The gentleman from Louisiana [Mr. RANSDELL] asks unanimous consent that the time of the gentleman from Illinois be extended 20 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BUCHANAN. Does my colleague from Illinois [Mr. MANN] desire to ask further questions?

Mr. MANN. Not at present.

Mr. RANSDELL of Louisiana. I notice you asked the gentleman from Illinois if he had any suggestions. I have one which might obviate some of the trouble. If you will insert, on line 2, page 2, after the word "mechanics," "and all operators of dredging machinery who live on shore and go on board dredges or other water craft for the day," those words, it seems to me, would obviate the objection as to the owners of the boat, like captains or their representatives, and obviate the trouble about cooks and waiters and employees of that kind, and would accomplish your purpose of protecting those who are now classed under that decision as seamen.

Let me read it again in order that I may make it clear to you. After the words "laborers and mechanics," on line 2, page 2, add "and all operators of dredging machinery who live on shore and go on board dredges or other water craft for the day." Insert those words instead of using the words "all persons," and so forth, on line 6. I simply submit that for your consideration.

Mr. BUCHANAN. The probability is that they would all be living on the vessels.

Mr. SPARKMAN. As a matter of fact, a great many of them live on shore.

Mr. BUCHANAN. Yes, I believe they do, especially about the Lakes. I know they do, many of them. It certainly is not a pleasant life to lead on the water, and it seems to me that those who live on the water ought to have eight hours, if anyone else is entitled to it, and they ought to be given an opportunity to be on shore a little more than they are under present conditions.

Mr. SPARKMAN. It requires a good deal of time in some cases, I will say to the gentleman, to get these men from the shore to the places where they work, so that in some cases under this 9-hour clause, I am told, they would not actually work more than five or six hours a day. Perhaps, however, those are extreme cases.

Mr. BUCHANAN. I think so. I think they are rare cases. From the knowledge I have of the work, I think those cases are exceptions to the rule.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. BUCHANAN. Yes.

Mr. BUTLER. I am in entire harmony with the purpose contained in the bill. I think that all laboring men ought to be included in the general provision restricting the hours of

service to eight hours each day. I understand that the purpose of this bill is to include in the law which was passed a few years ago the men working on dredges engaged in river and harbor work. Am I right in this?

Mr. BUCHANAN. Yes.

Mr. BUTLER. Now, will the gentleman please tell me why there is any necessity for including in the bill the language I find in italics as follows:

Which eight hours shall terminate in nine hours from beginning of workday.

I had in mind the idea that the hours of labor would always terminate within the time prescribed. The gentleman may have made the explanation, but we did not hear it on this side of the House. I am sorry to ask the gentleman to repeat it, but it needs repetition for the reason stated.

Mr. BUCHANAN. That question was answered. One of the complaints made by the representatives of the men employed in this industry was that the time during which they did work was scattered out. It took them, for example, 16 hours sometimes to perform work representing 12 hours.

Mr. BUTLER. The hours of labor were not continuous, as I understand? They were divided or separated?

Mr. BUCHANAN. Yes. That is a committee amendment that the gentleman has read—put in for that purpose.

Mr. BUTLER. I did not understand the purpose of the committee amendment, because I did not appreciate the reason for it.

Now, let me ask the gentleman a further question, and then perhaps I will have the information I desire. At the bottom of page 2 are found these words—

Except in case of extraordinary emergency.

This bill imposes pretty heavy penalties. That would put the responsibility upon the employer of labor to determine whether or not the emergency was an extraordinary one, of course?

Mr. BUCHANAN. Yes.

Mr. BUTLER. In justice to him, could not that be simplified somewhat?

Mr. BUCHANAN. This is an amendment to the eight-hour law, which, I believe, provides for some one to define what the emergency is.

Mr. BUTLER. That I did not know.

Mr. BUCHANAN. This is an amendment, I say, to the eight-hour law of 1892.

Mr. BUTLER. Then in that law, as I understand, there is some authority to determine whether or not the emergency is extraordinary, is there?

Mr. BUCHANAN. Oh, yes; there is a provision in the eight-hour law which provides for that.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. BUCHANAN. Yes.

Mr. WILLIS. I wish to say in the beginning that I am heartily in favor of the eight-hour law and of this bill, but I want an explanation of one clause of this bill. The other day a Senate amendment to a bill was concurred in, providing that certain improvements on the Ohio and Mississippi Rivers should be regarded as emergency work. It was pointed out by the gentleman from Illinois [Mr. MANN] at that time that that would probably exempt that work from the provisions of the eight-hour law. Now, in connection with that I desire to ask the gentleman what the effect will be of the provision in the last line of page 2, where this language is found—

Except in case of extraordinary emergency.

Perhaps the gentleman has answered the question already, but there was so much confusion that we could not hear on this side.

Mr. BUCHANAN. That question has been answered; yes.

Mr. WILLIS. I could not hear the gentleman's answer.

Mr. BUCHANAN. The language is the same as the bill passed the other day, and inasmuch as that has been defined as an extraordinary emergency, I suppose that this bill will not apply to that particular work.

Mr. WILLIS. Then if this bill passes, notwithstanding the fact that Congress is wisely and properly undertaking to embody the principles of the eight-hour law here, on that river work it will not apply?

Mr. BUCHANAN. I said it would not apply to cases of extraordinary emergency. I do not think the Senate and the House would attempt to do something that they ought not to do, and if Congress have declared something to be an extraordinary emergency that is not one they have done wrong. I think that this destruction of the levees, due to the floods, has made it a work of extraordinary emergency to make life and property secure and possibly in order that the crops may grow without being destroyed and to preserve the health of the people. The gentleman from Louisiana [Mr. RANSDELL] can explain that better than I can. I am not so familiar with the subject as he.

Mr. WILLIS. I will say, further, that an improvement that seeks to avoid a flood a year or so from now is not an extraordinary emergency, and therefore the 8-hour law should apply; but it is provided in that bill that notwithstanding that fact it shall be regarded as emergency work, and consequently the eight-hour law was held not to apply.

Mr. BUCHANAN. I supposed this work was to rebuild what was torn out by the flood. I do not know.

Mr. RANSDELL of Louisiana. That is exactly what it is for. It is to restore those great crevasses in the levees which have done such awful damage, and will cost millions of dollars to replace. It is to restore the wave-washed levees. This $4,000,000 will not put the levees back in as good shape as they were in when this extraordinary high water came upon them.

Mr. BUTLER. That should not be considered as emergency work.

Mr. RANSDELL of Louisiana. It certainly is emergency work. It is so declared to be in the act. If the gentleman lived down there, back of those levees, and had his property destroyed, as the property of others has been destroyed by these floods, and had the waters finally to recede, and weeks and weeks after the recession found the physical conditions were such that a single pound of dirt could not be moved, and the rains were coming down on him as they have been coming down there nearly ever since the water receded, and as they are liable to continue to come; and if he will consider the fact that millions of yards of dirt will have to be put there to restore those levees, he would surely think it extraordinary emergency work to get those crevasses closed and put those levees in condition for the next high water. Not only must we finish the levees, but we must revet them with grass. We plant Bermuda grass on them, and that work must be done quickly in order to have the grass take root and form a protective sod to prevent wave wash.

If any kind of work of which I have knowledge can be considered extraordinary emergency, it seems to me it is that, and the Congress declared it to be so in the river and harbor bill which passed just a few days ago.

Mr. WILLIS. Mr. Chairman, I want to ask the gentleman one further question. I am simply seeking to get at the facts. I understand the gentleman to agree in the interpretation of the proposed law which has been placed upon it by the gentleman from Illinois [Mr. BUCHANAN], that if this bill passes this $6,000,000 will be expended outside of the provisions of the eight-hour law.

Mr. RANSDELL of Louisiana. Only the part applying to levees. The portion of the $6,000,000 which applies to levees, to wit, $4,000,000, is declared by the river and harbor bill to be for extraordinary emergency work. I do not know that this provision will apply to levee work under subsequent acts of Congress, but that part of the appropriation in the act recently passed is declared to be "extraordinary emergency work," and I think under the terms of the bill which we now have before us the words:

Except in case of extraordinary emergency—

Lines 23 and 24, page 2, would except the levee work which will be done under the river and harbor act passed a few days ago from the general provisions of the pending bill if it become law.

Mr. WILLIS. Then, if I correctly understand the gentleman, the sum of $4,000,000 will be expended outside of the provisions of the eight-hour law.

Mr. RANSDELL of Louisiana. Yes; that is my understanding.

Mr. WILSON of Pennsylvania. Mr. Chairman, I desire to call the attention of the gentleman to the fact that the language quoted from lines 24 and 25, page 2, of this bill are existing law. The bill does not propose to change existing law, so far as that language is concerned. And even if the appropriation bill referred to had not contained the language that is in it, if the department engaged in the execution of this work had determined that this work on the levees was extraordinary emergency work, the $4,000,000 could have been expended under the existing eight-hour law without regard to an eight-hour workday. The insertion of the clause in the appropriation bill simply gave the expression of the Congress to the fact that it was extraordinary emergency work, and the legislative branch of the Government thereby assumed the responsibility of declaring that it was extraordinary emergency work. The passage of this bill

would not in any manner change that, because it provides for the exemption from the operations of an eight-hour workday all work that is of an extraordinary emergency character. So this bill would not in any manner affect the appropriation to which the gentleman from Louisiana [Mr. RANSDELL] refers.

Mr. BUCHANAN. Mr. Chairman, 21 States of the Union have eight-hour laws applicable to labor on public works and to State employees. These laws have been adopted within the period of the last 21 years. Colorado, Kansas, New York, and Utah have each furnished a precedent—after long-continued struggles over the question—of the constitutionality of eight-hour laws and their applicability to public works done by contractors.

It is apparent to me that a large majority of our citizens are favorable to a shorter workday or the eight-hour law, because in States like Colorado in the West and New York in the East, where it has been necessary to revise the State constitutions to secure an eight-hour law, the people have voted strongly in favor of it.

In Colorado a law was enacted in March, 1899, providing for eight hours in mines, smelters, and blast furnaces, but in the ensuing October the supreme court of the State unanimously decided it to be unconstitutional. On November 4, 1902, a constitutional amendment embodying the terms of this law, which had been approved by all the political parties, was submitted to the people under the referendum at the general election and adopted by a vote of 72,980 yeas to 26,266 nays. The general assembly of Colorado at the close of its next session, from January 7 to April 6, 1903, adjourned without enacting an eight-hour law, as directed by this constitutional amendment, but in 1905 it passed a law which in part resembles the organic act, but is inadequate, reflecting neither its letter or spirit.

In New York an eight-hour "public works" law, with a "prevailing rate of wages" clause, was enacted in 1897 and amended in 1899 and again in 1900. The "prevailing rate of wages" clause was decided to be unconstitutional, as was also any penalty for the violation of the eight-hour provision.

In 1905, however, the people, by means of the referendum, adopted the following amendment to the constitution by a vote of 338,570 ayes and 133,606 nays:

> The legislature may regulate and fix the salaries, the hours of labor, and make provision for the protection, welfare, and safety of persons employed by the State or by any county, city, town, or other civil division of the State or by any contractor or subcontractor performing work, labor, or services for the State or for any county, city, town, village, or other civil division thereof.

In accordance with this constitutional amendment the legislature of 1906 enacted the present law, which, with an amendment adopted in 1907 extending its scope, is regarded as efficient and satisfactory to the wageworkers of the State. In a case in which the comptroller of New York City refused to pay for work performed in violation of the law, the contractor secured a writ directing payment, but on appeal by the comptroller the court of appeals, the highest court of the State, sustained the law with this significant expression of opinion:

> The constitution was amended because it did not confer power upon the legislature to fix and regulate the hours of labor in doing public work or the wages to be paid. * * * The legislature acted under the amendment and reenacted the precise law, the overthrow of which by the courts made the amendment necessary. * * * The people in exercising their supreme power did not do a vain act, but effected a definite purpose. * * * We uphold the statute simply because the people have so amended the constitution as to permit such legislation. The command of the people made in the form prescribed by law must be enforced by the courts.

At the present stage of the discussion of reducing the hours of the workday it is no longer necessary to set out to prove the benefits to mankind gained everywhere in industrial life through cutting off all the hours of employment above 10. On the shelves of every public library in our cities are books and reports by the score telling of communities made more healthy, more sober, more happy, more enlightened by removing the burden of the intolerably excessive toil to which the workers generally were formerly driven. To lop off the 2, 3, and even 4 hours above 10 was a long step toward substituting humanity for brutality. More than that, economically nothing was lost. At the end of the year the worker on the average yielded as much output at 10 hours as at the longer day. He worked more days, he applied more muscle to his task, and he rose from an automaton drudge to an intelligent mechanic. It is also to be noted that every reduction in the hours of daily labor has been followed by new and better tools and devices by which the productivity of the workers working under an eight-hour day has been vastly increased over the former long-hour workday.

With the progressive intensity of application under modern methods and speeded-up machinery, workmen by daily experience know, and with hardly an exception the trained and careful investigators of working-class life employed by either the Government or sociological agencies are by diversified observation convinced that 10 hours in an industrial pursuit strain the nerves and weaken the general physique of even strong men, the total result being a detriment to the race. With the recent necessarily changed modes of living, especially in large communities, the 10 hours at work mean more nearly 12 hours' absence from home, transit to and from the work place being included.

The laborer's strength diminishes gradually in the course of the day. The last hours count against him most. Bodily ailments then develop in his weak spots. The quality of his work then falls off. His aversion, born of weakness and exhaustion, then takes root toward the natural avocations of a healthy nature in the hours off from the daily grind. It is then that, with a certain percentage of the worn-out toilers, a craving for stimulant arises, foreshadowing the deplorable consequence of indulgence in drink. It is then that the workman is unfitted to take part during the evenings in the various duties of his life; hence he is the less worthy as a citizen, the less helpful to the constructive institutions of society, the less a watchful, patient, and competent father of a family.

The testimony as to what the wageworkers who enjoy the eight-hour day have done with the two hours now their own which once were given to the employer is to be seen in a number of callings in many parts of the country. One effect is beyond doubt. Their new-found time they have employed in such a way as to decrease the death rate, and hence obviously the lost time through illness, in their occupations. Every trade-union which pays a death benefit shows from its books a decrease in payments per thousand members since it has had the eight-hour day. In this fact alone the body of the argument for an eight-hour workday, on the score of health, is carried to the point of conviction. Men who are living longer than their predecessors at the same calling are obviously living better in all the implications of the word. They and their families are housed better, dressed better, fed better, educated better—in all respects, as a whole, are happier. This truth is to be seen in so many industries and communities, it is a truth that so appeals to common sense and ordinary observation, as well as to the conviction developed in us with experience that man tends to elevate himself with opportunity, that to attempt to prove it by statistics and recapitulations of the inquiry were to misapply man's discriminating faculty.

In proposing an eight-hour day the first question to be settled is economic. It is whether the total output will warrant the possible lessening of effective toil. In other words, can society sustain itself and progress on eight hours' work? To this query the industrial wageworkers reply, "There has been no diminution of output by reason of the reduction of hours of labor from 10 to 8. In not a few occupations the output has not varied from the results of 10 hours, the number of human workers remaining the same in proportion. Workers, with the aid of new machinery, within the period of the present generation have in nearly all occupations vastly increased product. Besides, the cessation of the two hours' work in his vocation has given the worker opportunity to add to his product in his avocations. His leisure hours, it may be said without paradox, have given him the time, opportunity, and pleasure of caring for his house, his garden, and his side ventures. The eight-hour day has given more, not less, of material things to the world. A whole continent, as is the case of Australia, may have the eight-hour day and mankind be the richer.

It is clear that the eight-hour day is not only a boon to the men, women, and children who toil—to humanity—but that through it, when it shall have become general, the present total production of society will be increased.

The foremost demand of the organized-labor movement is for a shorter workday. It is in the interest of labor; it must necessarily be in the interest of progress. The eight-hour day is the harbinger of more successful industry and commerce, its tendency is upward, and it will surely help to solve the greatest of all the material problems of our lives on a peaceful and permanent plane.

Mr. MANN. I do not wish to ask the gentleman any question. I ask unanimous consent that the author of this bill, my colleague from Illinois [Mr. WILSON], who is unavoidably detained, may have leave to extend remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] requests that his colleague [Mr. WILSON] be given unanimous consent to print remarks in the RECORD. Is there objection?

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent to print remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] asks unanimous consent to print remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. I make the same request for myself.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes the same request for himself. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, the bill before us is a bill relating to limitation of the hours of daily service of laborers and mechanics. It is an eight-hour bill. I have a very decided opinion in regard to matters of hours of labor. It was my good fortune—as I look back on it now I consider it good fortune—that in my youth and early manhood I engaged in quite a variety of employments in which, for a considerable number of years, I did the hardest sort of manual labor.

I was possessed of a good constitution, blessed with good health, and with that power of recuperation which a kind Providence gives to us in our youth. Yet I well remember many a day when the closing hours of the forenoon and the closing hours of the afternoon brought me to a state where it was almost impossible for me to do good and effective work, to give that energy, care, and attention to my work which was required to be faithful and efficient in the labor in which I was employed. I know of no subject, economic, sociological, humanitarian—for it is all of these—in regard to which public opinion has changed so rapidly in the last 10 or 15 years as it has with regard to the hours of employment. A short time ago I talked with a gentleman in whose employ many years ago I, with fair efficiency, I think—and I take some pride in that—polished the head of a drill with an 8-pound hammer in the deep and wintry recesses of the Black Canyon of the Gunnison, in Colorado. When I knew him, himself sprung from the ranks of labor, big, strong, vigorous, active, forceful, he found it hard to believe that any man had done his duty until he worked at least 10 hours. Talking with him recently he said:

> On some Government work on which I employed many hundreds of men recently I was required to comply with the 8-hour law. It was a new experience to me. I undertook it with some misgivings and with considerable regret. I am glad I had that experience. I never had so satisfactory work done in all my experience. I never did a piece of work surrounded with as many difficulties which I executed and completed as satisfactorily as I did that piece of work, and, strange to say, while I paid my men for 8 hours practically what I would have paid them for 10 hours the cost was, in my opinion, and based on experience of many years, but little, if any, more than it would have been under the 10-hour day.

Mr. Chairman, those of you who have labored at good, hard, physical labor will understand what this means. Let us take, for instance, any work requiring the expenditure of the maximum of physical effort, or work requiring close, constant, straining attention. When a man has done that sort of thing for 10 hours he must be a remarkable man if he is in condition for the next day's work. He will do nearly as much in 8 hours, and he will do it better and much more cheerfully than in 10 hours. So that, from the standpoint of industry, my opinion is that we shall in the long run profit in quality and, in many cases, in quantity of work if we adopt 8 hours in most lines of employment. There are some lines of employment in which it will be difficult, perhaps impossible, to reduce the hours of labor to 8 without considerable readjustment of business, but where it can be done the movement toward the shorter day should be encouraged. Looking at it from the higher standpoint of humanity, it gives the man who works with his hands some time, other than the hours that he should have for rest and refreshment, for recreation and improvement. Remember, there are many men who have gotten what little education they have been able to pick up largely in the odd hours before and after the day's work, and that will be true even under the more generally favorable conditions for acquiring an education which prevail to-day. We are approaching the time when, in my opinion, there will be but little objection on the part of anyone to the general adoption of the shorter day, in the interest of industry and in the interest of humanity.

But, Mr. Chairman, I understand there is but little opposition to the general purposes of this bill, and therefore no necessity for arguing the question at length. I propose to crave the indulgence of the House for a short time to discuss some matters which are in a way pertinent to a bill to limit the hours of labor, for they relate to subjects in regard to which certain gentlemen have been working overtime. It has not been an 8-hour proposition at all. It has covered, in the main, 24 hours a day and 7 days in the week—a work, in my opinion, which the gentlemen themselves, those who have been most busily engaged in it, will, when they have time to reflect, and in the cold, gray dawn of the morning after the 5th of November, feel was a work entirely without warrant or justification. I refer to some things that have been said, charges that have been made, relative to the right of certain delegates to seats in the national Republican convention recently held at Chicago.

Before, during, and since the meeting of the Republican national convention at Chicago, Col. Roosevelt and some of his supporters have repeatedly and in the most violent and intemperate language made the most serious charges of fraud and wrongdoing in connection with the election and seating of a large number of delegates to the convention. The gravity of these charges, the vehemence with which they have been uttered, and the persistency with which they have been reiterated, coming as it has in a period of unrest and suspicion, have profoundly influenced many good people.

The faith a large number of people have in some of those who gave utterance to or repeated these charges had much to do with disposing many people to accept them as gospel. Few people realize how men may, in the first instance, be misled by overzealous or unscrupulous subordinates or supporters, or by the statements of those claiming to be informed as to facts, and how difficult it is for even the best of men to admit an error after proclaiming it, particularly if it serves an all-controlling ambition.

American political history has furnished sufficient examples of the extremes to which men will go in making unmerited charges under the spur of political ambition or from the sting of political disappointment to make our people cautious in accepting as the truth sensational charges prompted by such influences.

It should be remembered that the Republican Party, with its marvelous and glorious history of achievement in the cause of liberty, righteousness, and good government, has, at various times in its history, been the victim of the most extreme, vindictive, and abusive assaults from within its own ranks, and that its leaders who are to-day most revered were in the days of their activity and usefulness most villianously reviled and denounced.

Nothing in history is more astounding to the student of to-day than the abuse heaped upon Lincoln and the charges made against him, as representative of his party, by men within the party when he was a candidate for reelection. Many here can recall the measureless and vitriolic vehemence of the assaults on the honesty and integrity of the party and its leaders by men calling themselves Republicans during the Liberal Republican movement in 1872 and the free-silver bolt in 1896, and at other times.

Unfortunately people who ought to be warned by having been misled at other times by mere violence of assertion and vehemence of denunciation seem to have short memories with regard to such matters. Furthermore, we have a new generation of voters who, inexperienced in politics and being of honest and conscientious intent and purpose, are inclined to accept charges made with fine simulation of sincerity as evidence, and vehement reiteration in frenzied imitation of outraged virtue as conclusive proof.

The truth is ever at a temporary disadvantage in the presence of persistent prevarication, loudly and violently proclaimed. Those who would profit by charging others with wrongdoing in matters political invariably consider it necessary to employ the language of extravagance, sensation, and abuse to challenge and fix public attention while, he who tells the simple truth finds neither warrant nor excuse for more than the plain, unvarnished, unsensational tale. To reply in kind to abuse and vituperation is but to cheapen the quality of truth.

NOT AGAINST INDIVIDUALS BUT THE PARTY.

It should be remembered that the charges made against the manner of seating the delegates at Chicago are not charges against any individual or set of individuals, but against a great party as represented at the only Nation-wide gathering of the party. Men and parties do not become corrupt overnight. A party that will do a great wrong to-day could not have been honest yesterday, last year, or four years ago, *and yet a majority of the majority of the national committee which decided these cases were members of the committee four years ago, when Mr. Roosevelt was pleased with and indorsed the committee's work.* In the convention among the majority were many who had been *personal and political friends of Mr.*

Roosevelt when he was President and had enjoyed his confidence. Had the character of all these men changed?

It had not been my purpose to make any statement in the House or elsewhere in regard to these cases. My mind and conscience have been so clear about them that I have felt discussion was almost superfluous. I have been reminded, however, that as the only present Member of the House *who was a member of the committee on credentials* I owed it to my colleagues to at least briefly review the more generally discussed cases.

The gentleman from Missouri [Mr. BARTHOLDT] served on the national committee during the hearings of the contest cases, and I am glad to know that he contemplates discussing them. Our friend and late colleague, Mr. MALBY, served faithfully in the committee on credentials, including the wearisome all-night session. I sat near him, and noticing his appearance of fatigue begged him to retire. Consciencious and honorable gentleman that he was, he refused to do so, saying he preferred to hear the argument and evidence in every case. I fear that the strain of these long, trying sessions shortened our friend's days; if so, he was a martyr to duty.

IMPORTANT TRUTH BE KNOWN.

There are reasons why the truth in regard to these contests should be known, why the reckless statements with regard to them should be refuted of far greater and more far-reaching importance than any question of the effect these statements and charges will have upon the fortunes of any party or candidates in the coming election. This great Republic of ours, the greatest and most successful experiment in free government the world has ever known, is a Government of parties. The very continuation of our Government depends not only upon the honesty and integrity of the people in the management *of great party* organizations and otherwise, but in the continued confidence of the people in such honesty and integrity.

THE CHANGE IS IN ROOSEVELT.

If the organization of a great party which has been a leader in great moral and political movements can become so corrupted between presidential campaigns as to commit such political crimes as it is charged were committed in Chicago the party is not only in a bad way but the country is beyond redemption. If a party of which Mr. Roosevelt had the support and an organization which four years ago he trusted—and some say controlled—could in so brief a time become so lost to all sense of decency, what hope is there for a new party which he might create? The members of the national committee, whose action at Chicago Mr. Roosevelt denounces in such intemperate terms, were four years ago, in Mr. Roosevelt's estimation, entirely fair-minded, intelligent, and honorable gentlemen. Is it probable that they all fell from that high estate in so short a time? Is it unreasonable to suggest that perhaps the change is in Mr. Roosevelt and not in the national committee and the membership of the convention?

APPROPRIATING ELECTORS.

The claim that Col. Roosevelt was denied the nomination at Chicago through the larceny of delegates is not only expected to contribute directly to the third-party movement, but it is expected to contribute even more potently indirectly by furnishing the excuse for the most impudent and revolutionary plan of political larceny ever conceived. It is proposed to appropriate the livery and secure the benefits of Republican State organizations, while at the same time repudiating the party and candidates. It is difficult to conceive a more shameless proposal of pure piracy than this.

PENNSYLVANIA.

In Pennsylvania, for instance, about a third of the Republicans of the State expressed a preference for Mr. Roosevelt for President. He was not nominated, but the men who were temporarily placed in command of the Republican ship by a third of the Republican voters are expected, I am told, to continue to fly the Republican flag at the masthead and secure whatever benefits can be thus obtained with the expectation of eventually, whatever happens, scuttling the ship after having gotten away with the cargo.

The local boss of the new crew, being a more cautious pirate than some others, has suggested that while he hopes and expects to turn the cargo secured under the Republican emblem over to the enemy, he thinks, in decency, he ought to hold out some hope to Republicans that, if they prove to be the majority of the crew, they may secure the benefits of the cargo obtained under their flag. But the chief, under whose orders he seems to be operating, repudiates any such mushy procedure; if you are to be a pirate, be a pirate, quoth he; carry their flag as long as it is to your interest to do so, but eventually make them walk the plank and scuttle the ship.

The Democrats of my native State of Missouri, by a large and enthusiastic majority, expressed their preference first, last, and all the time as a candidate for the Presidency for their beloved fellow citizen, the honored and respected Speaker of this House. He had a majority of the delegates in the Democratic national convention; a majority of the delegates in that convention voted for him on roll call nine different and distinct times. By all reasonable and proper rules he was the candidate of the convention. In the moment of his triumph the great prize was ruthlessly snatched from him without warrant, justification, or excuse. Why are not the Democrats in Missouri proposing to have the Democratic electors in that State vote for CHAMP CLARK?

If there are any electors anywhere who have any sort of a justification for being traitors to the binding and sacred obligation which rests upon an elector to vote for the candidate of the party that placed him in nomination, they are the Democratic electors in Missouri. I assume, however, that they, like the man they honored with their votes, are honest citizens, and therefore no such thought has entered their minds. They have probably realized, if they have even thought of it, how clearly traitorous would be the act suggested, how destructive of our plan of electing Presidents. What excuse and opportunity would be offered for the most outrageous scandals in the case of a close vote in the electoral college if electors are held to be free to vote as their fancy or interests dictates. We have so far heard these shameless proposals only from men who hope to profit by overturning the legal machinery of our Government. I am not prepared to believe that the men who have received party nominations as electors are so recreant to their solemn obligations as to commit such acts of perfidy or that the people generally would tolerate them.

COMMITTEE ON CREDENTIALS.

I accepted service on the committee with reluctance, upon the insistence of my colleagues, because I realized the hard work that would be required and the inevitable criticism from one side or the other that was sure to follow. At that time my only knowledge of the facts with regard to the contested cases had been obtained from reading the daily papers, many of them reflecting the view of the cases taken by extreme Roosevelt adherents. So far as I had any definite opinion with regard to the cases which it would require evidence to remove, it was in favor of the Roosevelt delegates in certain cases to which I shall refer hereafter.

The committee on credentials of the Republican national convention was in session in all aproximately 40 hours, equivalent to five 8-hour days. In order to prepare cases for consideration of the convention it held one continuous session of nearly 30 hours. Every contestant who appeared was given a hearing. *Ample time was given for the presentation of cases, in one case over three hours being devoted, at the request of the Roosevelt contestants, to a case which had been unanimously decided in favor of the Taft delegates by the national committee.* No man can honestly say, and I think no contestant has said, or will say, that he was not given a fair, extended, and courteous hearing by the committee on credentials. I think that statement also applies to the hearings before the national committee, which heard contest cases for 15 days.

Mr. HILL. Mr. Chairman, may I interrupt the gentleman?

Mr. MONDELL. Certainly.

Mr. HILL. Were not those hearings public?

Mr. MONDELL. Yes; both before the national committee and the committee on credentials were public.

Mr. HILL. And that for the first time in the history of the party?

Mr. MONDELL. For the first time in the history of any political party, as far as I know. The four great newspaper associations of the country were represented at all of those hearings, and their men were there all of the time and took notes of what was done and said, so that there was nothing said by anyone in connection with any of these contests that was not heard by the newspaper correspondents.

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from South Dakota?

Mr. MONDELL. I yield for a question.

Mr. BURKE of South Dakota. I understand the gentleman to say that he attended the sessions of the committee on credentials quite continuously. The member of the committee from my State, Mr. S. X. Way, is a gentleman I know very well. I intend to get his opinion on these several contests, assuming that he was present at the hearings. Does the gentleman know whether he was present or not?

Mr. MONDELL. I was present at all of the hearings, except for a short time on the Texas cases. It is impossible for me to

say, of course, just how continuously all of the other gentlemen attended. When our committee first met, and before we had transacted any business or adopted rules, the member from California, after talking threateningly and excitedly for a few moments, dramatically shouted, "Follow me to the Florentine room," which room was, I understand, Col. Roosevelt's headquarters. Whereupon there was a somewhat ridiculous scramble on the part of certain gentlemen to see who could get out of the room first. My recollection is that the member on the committee from South Dakota was one of the bolters. At varying intervals they more or less shamefacedly returned, or, rather, as we understood it, were ordered back by the Roosevelt bosses, with the suggestion they better not bolt until they had some excuse for so doing. I don't know just when the member on the committee from South Dakota slid back—I do not want to do him an injustice—but I am very much mistaken if he heard most of the contests. *Some of those who have been loudest in their denunciation of what was done heard but very little of the testimony or arguments before our committee. That is particularly true of the members from California and Illinois.*

NUMBER OF CONTESTS.

There were contests filed before the national committee involving the seats of 252 out of 1,078 delegates in the convention. Of these, 238 were brought by Roosevelt contestants against Taft delegates. Some of these contests were so utterly frivolous that they were not even urged before the national committee when it met for the purpose of making up the temporary roll for the convention. The committee was in session 15 days, and *a large majority of contests which were heard by the national committee were decided by that committee by unanimous, or practically unanimous, vote,* and in the cases where there was a difference of opinion the vote in favor of the delegates who were seated constituted in most of the cases a majority of two-thirds or over.

After the national committee had made up the temporary roll of the convention, Mr. Roosevelt's managers made up a list of cases to be presented to the committee on credentials of the convention, involving the title to 128 seats, thus surrendering all claims to 110 of the seats which had been originally contested. That even this list of 128 was padded by cases known to have no merit is evidenced by the fact that the contests which were actually presented for the consideration of the committee on credentials involved but 92 seats, some of which were seats which the national committee had unanimously given to Taft delegates. *The fact is, therefore, that of the 238 contests originally brought by the Roosevelt people but 92 were taken before the body whose duty it was to finally determine who were entitled to seats in the convention. The Roosevelt people had abandoned 146 of their contests before reaching the convention or its credentials committee.*

FRIVOLOUS CHARACTER OF CONTESTS.

Before taking up the questions involved in the remaining cases it might be interesting and profitable to inquire into the nature and the character of most of the contests brought on behalf of Mr. Roosevelt and the way in which they were brought. Of course, it does not prove anything for me to say that the overwhelming majority were of the most frivolous character; that they were brought deliberately for the purpose of confusing the issue, misleading the public, and laying the foundation for the outrageous charges which followed. As my mere statement of belief is not evidence, I should not express that opinion if it were not fully justified and substantiated by facts that are not questioned and *by the admission of Roosevelt supporters.*

In many of the cases from the Southern States, notably Virginia, Georgia, Alabama, and Florida, almost complete sets of Roosevelt contesting delegates were named at alleged conventions, in no way worthy of the name, held from two to three months after the Taft delegates had been regularly elected. It is notorious that the holding of these "conventions" and the naming of these delegates was due to the activity of a certain astute gentleman from the North operating in the interest of Mr. Roosevelt, and said to have been liberal in expenditure.

MR. MUNSEY'S TESTIMONY.

We have some very illuminating testimony from a very high Roosevelt source as to the reasons for bringing these contests. I need not remind gentlemen how very enthusiastic Mr. Frank A. Munsey has been in his support of Mr. Roosevelt. In the literary and journalistic world Mr. Munsey has been by all odds the most enthusiastic and emphatic supporter of the ex-President. His paper, the Washington Times, published in this city, and his magazines have devoted their energies for months to further the cause of Mr. Roosevelt. Mr. Judson C. Welliver is the trusted political writer on the Times who was given a free hand to boost first the Roosevelt candidacy and now the Roosevelt third party. Mr. Welliver went to Chicago to watch the contest proceedings before the national committee. He saw that body, upon which there were a considerable number of ardent Roosevelt supporters, cast into the discard by unanimous vote one after another of the trumped-up, fictitious, fraudulent contests, and it occurred to Mr. Welliver, and no doubt to Mr. Munsey, that it was necessary to revive the drooping spirits of the Roosevelt adherents, who had been fooled and misled by the bringing of these contests. It appeared to *be necessary to tell some truths,* and Mr. Welliver proceeded to do so in a dispatch from Chicago, published in the Washington Times of Sunday evening, June 9, which is in part as follows:

ROOSEVELT FORCES REGAIN CONFIDENCE DESPITE COMMITTEE'S WORK—CONTESTS UNABLE TO CHANGE RESULT—ARRIVAL OF WILLIAM FLINN STRIKES TERROR INTO HEARTS OF ADMINISTRATION MEN.

(By Judson C. Welliver.)

CHICAGO, *June 9.*

Seventy-two contested seats in the convention have been passed on by the Republican national committee and every one has been given to the Taft claimants. That sounds as if Taft was making a tremendous inroad on Roosevelt strength; but the fact is that it has little significance.

In order that the reading public, getting its impressions from the daily reports of repeated determinations in Taft's favor, may not misunderstand just what is happening, it is necessary to go back to the beginning of this campaign and explain some things.

When the national committee met in Washington last December there were persistent rumors that Roosevelt might be a candidate. La Follette was already in the field.

GOT AN EARLY START.

The Taft people knew their weakness, and were scared about the situation. They adopted the plan of holding conventions in the South early, because there they had the machinery and could rush matters through with the strong-arm procedure and stow away a fine bunch of delegates, while the Roosevelt movement was still unorganized; indeed, before Roosevelt could be announced.

This they did, and on the day when Roosevelt formally announced that he was a candidate, something over a hundred delegates had actually been selected. When Senator DIXON took charge of the campaign, a tabulated showing of delegates selected to date would have looked hopelessly one sided. Moreover, a number of Southern States had called their conventions for early dates and there was no chance to develop the real Roosevelt strength in the great Northern States till later.

For psychological effect, as a move in practical politics, it was necessary for the Roosevelt people to start contests on these early Taft selections in order that a tabulation of delegate strength could be put out that would show Roosevelt holding a good hand in the game. A table showing "Taft, 150; Roosevelt, 19; contested, 0," would not be very much calculated to inspire confidence. Whereas one showing "Taft, 23; Roosevelt, 19; contested, 127," looked very different.

WHY THEY WERE STARTED.

That is the whole story of the larger number of Southern contests that were started early in the game. It was never expected that they would be taken very seriously; they served a useful purpose, and now the national committee is deciding them in favor of Taft; in most cases, without real division.

CONTESTS TOO RAW.

The southern contests were too raw for the stomachs of even the most prejudiced Roosevelt supporters. It must have been galling to have to admit that these contests were simply gotten up to fool the people, to bring in the wavering brethren, who when in doubt resolve it in favor of the most promising band wagon, by making them believe that Roosevelt had many more delegates than he really had. I do not now recall a more humiliating confession of an attempt to fool the people.

The Chicago Tribune, vigorously supporting Col. Roosevelt, on June 8, after referring to the decision of the national committee in the Alabama cases, gave the *comment of Col. Roosevelt* on the cases as follows:

The colonel showed the reporters a table of delegates he expected to be awarded on the Alabama list. It was shown that he had conceded 22 to President Taft and claimed only 2 for himself.

"You see, I hadn't counted on anything except that one district," he said.

And yet in the colonel's interest all the Alabama delegates had been contested, and all were claimed for him by his managers.

But to return to Mr. Welliver's article. After admitting and conceding the fraudulent and *psychological* character of most of the contests, having abandoned the first line of defense and admitted it was mounted with straw guns, a new position was taken behind cases now claimed to be valid with all the positiveness with which all the cases had formerly been defended. He said:

The ninth Alabama was an exception. There is every reason to believe that Roosevelt was entitled to those two delegates. He was robbed of them, just as he is to be robbed of the Indiana, Kentucky, Michigan, and Missouri delegates that he ought to get and just as he will be robbed of the Washington State delegation if the Taft people are convinced that they must do it to save themselves.

The point is that these contests never were listed as available assets of the Roosevelt campaign. It rested on no such flimsy foundation.

We are here solemnly assured that the ninth Alabama is "an exception." It is, in the sense that it is an exceptionally weak case. In the case of the Indiana, Kentucky, Michigan, Missouri, and Washington delegations we are assured an awful robbery was to be committed. How unfortunate it was and is that these champions of Col. Roosevelt could not have looked

forward and have known *that, in the Indiana case, all of Col. Roosevelt's friends and supporters were to vote with the other members of the committee to seat the Taft delegates; that in the case of the Missouri delegates at large they were to be given with equal unanimity to Col. Roosevelt. As to the Michigan delegates at large, they were given to Taft without a roll call; and in the case of the Kentucky delegates at large, but 11 members of the committee of 52 found it in their hearts to vote for the Roosevelt delegates.*

DISFRANCHISING DEMAND.

The impudent demand made by those responsible for faked and flimsy contests, that no delegate whose seat was brought in question by such contests should vote on any question, was a case of adding insult to injury. It was a demand that those who brought the contests—they afterwards admitted were mostly without merit—should benefit by their own wrongdoing to the extent of controlling the convention, steal the ship after having, as sailors under the same flag, disabled the majority of the crew.

Such a rule would allow the most insignificant minority to control a convention by the simple process of bringing trumped-up, eleventh-hour contests against the majority, thus disqualifying them from participating in the convention. This is exactly what the Roosevelt people tried to do in Chicago.

This extraordinary demand was based on the preposterous assumption that the bringing of a fake contest against a delegate rendered him incapable of honestly deciding contests involving others or other questions coming before the convention. To deny a vote to such delegates would leave the convention in control of those who were instrumental in fraudulently bringing their seats into question, on the theory, no doubt, that one who has laid the preliminary plans for a larceny is in a better frame of mind to do justice than his victim.

Reduced to few words, what was proposed was that, having given notice of contemplated wholesale theft, all the proposed victims were to be disarmed to allow the easy and expeditious perpetration of the outrage.

Parliamentary law denies one whose right to a seat is challenged the privilege of voting on the question. The rule was strictly observed in the Chicago convention. No one voted on their own contest.

Mr. BURKE of South Dakota. It is the law in my State.

Mr. MONDELL. The gentleman from South Dakota calls my attention to the fact that the rule is the law in his State. It is a parliamentary rule everywhere, and it is very proper that it should have the sanction of statute.

MOTION TO PURGE THE ROLL.

After the Republican convention had temporarily organized it was proposed by a motion to "purge," as was stated, the convention roll of Taft delegates claimed to be wrongfully placed on the temporary roll and seat Roosevelt delegates in their stead.

Ninety-two seats were named, but this included 18 delegates from Virginia and 2 from the District of Columbia, where contests were so frivolous that they were entirely abandoned, leaving 72 seats as the number which it is understood Col. Roosevelt and some of his supporters now refer to as the "stolen seats." The list is as follows:

Ninth Alabama	2
Arizona	6
Fifth Arkansas	2
Fourth California	2
Thirteenth Indiana	2
Seventh Kentucky	2
Eighth Kentucky	2
Eleventh Kentucky	2
Michigan	6
Third Oklahoma	2
Second Tennessee	2
Ninth Tennessee	2
Texas	8
First, second, fourth, fifth, seventh, eighth, ninth, tenth, and fourteenth Texas	18
Washington	8
First, second, and third Washington	6
Total	72

It might be pertinent to inquire by what peculiar and extraordinary power of perfect discrimination the Roosevelt people are able to now differentiate these cases from the 146 other contested cases which they brought and in whose defense they were individually or collectively at one time as vehement as they now are in regard to these cases. By what peculiar virtue does one man, by his insistence upon his followers become the sole judge and arbiter of rights to seats in the national Republican convention? What has happened to a number of cases with regard to which Mr. Roosevelt and some of his followers have been most violent but which are not contained in this list of alleged stolen seats? If I recollect rightly, Col. Roosevelt's earliest and one of his most vitriolic and abusive outbursts with regard to delegates had reference to delegates at large from Indiana. No supporter of his on the national committee voted to seat the contesting Roosevelt delegation. They are not mentioned in this list of delegates that must be unseated in order to "purge the roll."

As the Roosevelt people entirely abandoned their claim as to 146 of the seats they had contested, and their charges of late have been directed toward the contests involving the 72 seats I have referred to, it is not necessary to go into detail as to the abandoned contests, and we may confine ourselves to a somewhat detailed examination of the 72 seats which are the basis of the wholly unwarranted and unjustifiable indictment of a great party and its representatives.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent that the gentleman may proceed to the conclusion of his remarks.

The CHAIRMAN. Is there objection?

Mr. WILSON of Pennsylvania. Mr. Chairman, reserving the right to object, I would like to ask the gentleman how long it would take to conclude his remarks?

Mr. MONDELL. About an hour. I will not take longer than an hour.

Mr. WARBURTON. Mr. Chairman, reserving the right to object, the gentleman from Nebraska [Mr. NORRIS] desires to talk in answer to the gentleman from Wyoming. I do not want the extension of time to preclude his answer.

Mr. NORRIS. Mr. Chairman, I hope the gentleman from Washington will not object to this extension of time. I do not think it will interfere with me at all. I want the gentleman to have all of the time that he desires.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the gentleman will proceed for one hour.

NINTH ALABAMA.

In regard to this case, I had received impressions favorably to the Roosevelt delegates from a conversation had with a colleague in the House, before leaving for the convention, and on the basis of the statement which this colleague made to me, believing it to be true, I felt that the Roosevelt delegates had a good case. How much mistaken I was in that impression a statement of the facts in the case will make very clear.

The case involving the two delegates from the ninth Alabama congressional district is somewhat perculiar in this: That if every claim made on behalf of the two Roosevelt delegates is admitted, still, in view of the undisputed facts, the Taft delegates are clearly entitled to seats in the convention.

In this district there is a district committee of 30 members. When the committee met February 15 for the purpose of arranging for a district convention to elect two delegates to Chicago the chairman was absent; without him 15 was a quorum of the committee. On the committee being called to order by the secretary a dispute arose as to the rights of certain persons to serve as members of the committee; and, unable to agree, the committee divided and two meetings were held in the same hall. There is conflicting testimony as to which faction had the majority of the committee; there is no question, however, but what the Birch, or the Taft, crowd had the larger number of members whose right to serve was not questioned, to wit, 13. The right of two men on the Birch side to serve on the committee is called in question, namely, William Latham and Harvey Hardin. As for Latham, it was claimed that not he but his brother James was a member of the committee. In my opinion there is no doubt but what William Latham was the Latham who was a member.

As for Hardin, who was beyond doubt a member of the committee, a few days prior to the meeting he had handed a man not a member of the committee his resignation, with the understanding it was to be returned to him if he was able to attend the meeting. He appeared at Birmingham the night before the meeting of the committee and demanded his resignation returned to him. This was refused. If Latham and Hardin were members of the committee qualified to act, there is no doubt but what the Taft people had a majority of at least one. On the other hand, to admit the Roosevelt claim to a majority of the committee we must disregard the evidence to the effect that Latham and Hardin were lawful members and at the same time admit the authority of the chairman to fill four or five vacancies without referring the matter to the committee, including the vacancy alleged to exist on account of Hardin's resignation. The right of the chairman to fill such vacancies was sharply challenged by the other side.

To me the evidence was conclusive that the Birch, or Taft, people had a majority of the committee. Even admitting, for the sake of argument, that the wrong Latham was present, the

absence of anyone in the place of Latham left a committee of 28 and as many Taft as Roosevelt men if the chairman's appointees were recognized.

The fact is, however, that had the Roosevelt men a majority of the committee the subsequent procedure deprived them of any claim for their delegates. There are four counties in the district with regular organizations. The only real office of the district committee was to start in motion the machinery in the counties to select delegates to the district convention. If there had been no quorum at all at the district committee meeting, if but one man had issued the call and it were heeded by the county committees by appropriate action, the resulting nominations would have been valid.

What did happen was that the Republican organizations in all four counties obeyed the call of the Birch, or Taft, committee and held delegate conventions in two and mass conventions in two of the counties, at all of which delegates were elected to the district convention and at the same time to the State convention, which in turn elected the delegates at large, which were seated unanimously by the national committee at Chicago. In due course a district convention was held at which regularly elected delegates from all the counties were present unchallenged. This convention proceeded to elect the Taft delegates, which were seated.

On the other hand, no attention was paid by the county organizations to the call issued by the Hadley, or Roosevelt, faction. In three of the four counties no attempt was made to hold conventions.

A Roosevelt State convention was held in Birmingham, in Jefferson County, May 11, over two months after the convention which elected the Taft delegates. At the same time and place it is claimed that a mass convention was held under the Hadley call for a district convention, and Roosevelt delegates were elected. The report of the minority of the committee on credentials does not attempt to claim any regularity of action on the part of the Roosevelt men after the split in the committee. They base their claim entirely on the assertion that the Birch call was not regular.

ARIZONA.

Arizona was entitled to six delegates at large in the convention. The contest there arose over an unauthorized soap-box primary held in Maricopa County. While alleged contests were started by the Roosevelt men in some of the other counties, none were regarded seriously by anybody except a contest in Cochise, which was settled by seating both delegations, with a divided vote.

The history of the Arizona case is briefly as follows: The call for the State convention to elect delegates to the national convention was regularly issued May 1. In view of the fact that there was no State primary law for the election of delegates to a national convention the call instructed the county committees to meet on the 15th of May and determine which of various methods should be adopted for the appointment or election of delegates to the State convention to be held June 3. Two counties, Pinal and Graham, decided to hold primaries for the election of delegates, and in Graham County this decision was unanimously agreed to. In Cochise and Yuma Counties the Roosevelt people had a majority of the county committees. They decided to have the delegates appointed by the committees. This plan was followed in the other counties in the State except Maricopa.

The county chairman in Maricopa County was a Roosevelt man, and upon the assembling of the county committee he forthwith and without any preliminaries appointed three Roosevelt men as a committee on credentials. This action was challenged, but nevertheless the committee so appointed proceeded to report in favor of seating three proxies. There was further protest and an appeal from the chair, and while this was going on other proxies were presented on behalf of other members who were not present. After further consideration the same committee which had reported the seating of the three proxies later reported against the seating of any proxies. This sudden change of front, due to the fact that if proxies were recognized the Taft men would have a considerable majority, led to a disagreement which resulted in two committee meetings and two calls, one signed by the chairman for a primary to elect delegates to the State convention, and another by the secretary and a pro tempore chairman for a meeting of the county committee to select delegates to the convention. In this connection it should be remembered that in the Roosevelt counties of Cochise and Yuma the delegates were selected by the county committees, on the ground that there was no law under which a legal primary could be held.

Mr. NORRIS. Will the gentleman yield there?

Mr. MONDELL. Very briefly, I will say to the gentleman, because my time is brief.

Mr. NORRIS. I will not interrupt the gentleman's remarks without his consent, of course. I know two hours is very short when you have such a burden on your hands. I want to ask the gentleman if it is not true the Taft men in the county objected to proxies and if it is not true they had their way and all proxies were eliminated under objection of the Taft men?

Mr. MONDELL. First thanking the gentleman from Nebraska for his entirely gratuitous expression of opinion as to the merits of the case, I would say that I have stated the facts exactly as they are and I will state them again if he desires. I heard the testimony of the chairman of the committee, and I think I know what occurred. I heard both sides tell about it.

Mr. NORRIS. But the gentleman was not down in Arizona when it happened.

Mr. MONDELL. No; but I heard both sides of the case before the committee on credentials. The chairman appointed a committee on credentials. There is nobody denying that. The action was challenged, nobody denies that. They reported in favor of seating three proxies. There is no denial of that. And then the same committee appointed by the Roosevelt chairman reported in favor of seating no proxies, and they so reported, because if they had seated the proxies the Taft men would have had a considerable majority.

Mr. NORRIS. Will the gentleman permit an interruption?

Mr. MONDELL. If I have the time I have no objection to an interruption. What was the question which the gentleman desires to ask?

Mr. NORRIS. I did not understand the gentleman, I ask his pardon.

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I do.

Mr. NORRIS. I want to ask the gentleman if it is not true that in this State call in Arizona the county committees had the right under the call to elect the delegates either by the committee, in which case the call fixed the date when it must be done; whether they did not have the right to call the primary, or to call an ordinary convention. I desire to ask the gentleman if it is not true those three methods were specifically provided in the State call?

Mr. MONDELL. The State committee provided that the county committees should decide how they should elect their delegates.

Mr. NORRIS. When the county did decide to elect or select the delegates and did it in the way the State committee designated, there is no question of the legality of the delegates selection, is there? The gentleman is emphasizing the fact that in some counties the Roosevelt committee selected delegates. I want to know whether it was legal or not under the law.

Mr. MONDELL. So far as the county of Maricopa is concerned, the majority of the county committee, either as constituted by the members actually present or as it would have been if the proxies had been recognized, never decided to hold primaries; a minority of the committee so decided. I am one of those old-fashioned people who do not believe in the rule of minorities of committees that do not represent the people.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. MONDELL. Well, if it is brief; but I never will get through if I continue yielding to the gentleman.

Mr. NORRIS. I want to say to the gentleman, that if he says he does not want to be interrupted I will not do it. I would not like to be discourteous.

Mr. MONDELL. And I do not want to be discourteous.

Mr. NORRIS. I concede the gentleman has the right to say he will not yield, but I want to ask the gentleman, which perhaps appears in his printed speech, which I am following here, whether it is not true that in that primary that he claims was not legal or lawful that there was a vote cast within 80 per cent of the highest vote that was ever cast in a Republican primary in that county?

Mr. MONDELL. Nobody on earth, except the gentlemen who hoped to benefit, knows how many votes were cast at that primary. *Arizona has no primary law unless one has been passed since the events related*, so I do not know how any legal primary could ever have been held in the county.

Mr. NORRIS. I can give the gentleman the information, if he would like to have it.

Mr. MONDELL. Well, the gentleman may be able to give me the statement of somebody as to how many votes were alleged to have been cast at a soap-box primary, where anybody could have repeated all day long; anybody could have cast a thousand votes at one time, and where the returning officers could have

multiplied the returns a thousand times and not be guilty even of a breach of the peace or a misdemeanor.

Mr. NORRIS. I want to ask the gentleman there if it is not true that there never was and never has been any charge brought of any fraudulent vote or anything fraudulent about that primary, except the Taft men claimed that it was illegal—if there is any evidence that there were any fraudulent votes cast there, or that any Democrats voted in that primary?

Mr. MONDELL. I do not recollect that there was much evidence as to the casting of ballots at that primary, if, as a matter of fact, one is justified in referring to such a performance as the casting of ballots. The gentleman asks if there was any charge of fraudulent voting. There could not have been any such thing as fraudulent voting at that primary in the ordinary acceptance of the term. Anybody could have voted—Republican, Democrat, or what not. Anybody could have voted a score of times. Those controlling these misnamed ballot boxes could have made up any returns they saw fit, could have padded them to suit their purpose, and there is no law under which it could have been punished. Probably the Roosevelt people would have considered it in the nature of a good joke. It is very clear that the majority of the county committee and the people in the county who were for Taft believed that anything would be done that it was necessary to do to show a Roosevelt majority. The whole affair was in the hands of the Roosevelt people. No one else was represented. A little later in my speech, if I have time, I want to make some observations to the general subject of soap-box primaries.

Immediately after this call for a primary was issued a majority of the county committee advertised extensively through the newspapers and otherwise, warning Republicans against participating in the primary as it was illegal and irregular. *Practically* no Republicans except those who were for Roosevelt did participate. There were La Follette men who refused to participate, as did the Taft men, there being but 11 Taft votes cast.

The executive committee of the State committee met two days before the State convention for the purpose of hearing all contests and making up a temporary roll, and timely notice was given to all interested parties. There is no doubt but that all had information as to the date and purpose of the meeting. There was only one contest, that from Cochise County, submitted, and both delegations were seated with a divided vote, and thus the temporary roll was made up.

In the assembling of the convention the temporary roll was read, and objection was made by a gentleman whose name was not on the temporary roll, and his objection was overruled. One nomination only was made for temporary chairman, and the person nominated was declared elected and took his place as temporary chairman.

At this stage of the proceedings a number of gentlemen—less than 20—whose names were on the temporary roll and others went to one side or corner of the hall, and according to all accounts the noise and confusion that ensued was terrific. This band of gentlemen, one of whose number had mounted a platform, proceeded amid loud noise and great confusion, during which time whatever was done was largely by pantomime, to hold what they afterwards referred to as a convention at which they alleged they appointed committees on resolutions and credentials, received and accepted their reports, and elected six delegates to the national convention pledged to Roosevelt.

I asked the gentleman who presented the case before our committee how it was possible to make up and receive reports of committees in so brief a time and amid such confusion. *He cheerfully admitted that he believed the reports had been made up beforehand.* The regular convention, with 68 of the 93 votes on the temporary roll, remained in session for over two hours. All business was transacted in an orderly way; committees were appointed and reported. The usual votes were taken, and six Taft delegates were elected.

There never was a cleaner case of a prearranged rump convention than this, and it was made necessary, if any excuse was to be had at all for a contest, by reason of the fact that had there been no temporary roll and only the uncontested delegates allowed to participate in the temporary organization the Taft people would have controlled the convention by a considerable majority.

FIFTH ARKANSAS.

From Arkansas contests were originally filed with the national committee covering the delegates at large and those from the first, second, third, fourth, fifth, and seventh districts. The national convention was unanimous in seating the Taft delegates from all but the fifth district, and in that district the vote was 42 to 10. That was the only Arkansas case taken before the committee on credentials, and it was one of the cases in the "roll purging" resolutions.

An enterprising gentleman by the name of Redding is clerk of the Federal court at Little Rock. He was a contesting delegate before the national convention four years ago, but he did not carry his case to the committee on credentials, after an adverse decision by the national committee. Mr. Redding, while repudiated, was not discouraged. He claims to have continued an organization in the fifth Arkansas district. True, his organization did not hold any meetings in the interim, did not nominate a candidate for Congress in the last congressional campaign; in fact, Mr. Redding's organization seems to have been in a state of hibernation or suspended animation since his downfall in 1908.

On the other hand, the organization which was recognized in 1908 nominated a candidate for Congress in 1910, kept up an organization, and in due time called a convention to elect a candidate for Congress and delegates to the national convention. This activity seems to have aroused the dormant Redding organization, or Mr. Redding himself, for he seems to have been the whole show. The awakening, however, seems to have been a slow and difficult process, for Mr. Redding gave but three days' notice of the holding of his convention on the same day and in the same town, Little Rock, as the regular convention. Testimony is conflicting as to whether there was a baker's dozen or a score at Mr. Redding's convention, and how many, if any, were Republicans.

The regular convention was well attended. There was but one contest, and both delegations were seated with a divided vote. The proceedings were orderly and in proper form, and the delegates were instructed for Mr. Taft. *The Redding convention was a joke, the contest was a farce, and yet this is one of the cases which is being constantly alluded to as a case of stolen delegates.*

FOURTH CALIFORNIA.

The fourth California case was not heard before the committee on credentials. When the case was reached in alphabetical order, neither the Roosevelt delegates nor their attorneys could be found, whereupon a messenger was dispatched to inform them that the committee would take up the case whenever it suited their convenience. Several hours later a communication signed by the Roosevelt delegates was presented to the committee. This communication was most insulting in character, impugned the motives of the members of the committee, stated that the Roosevelt delegates had no confidence in the committee, and therefore declined to present their case for the committee's consideration. In the absence of the California member of the committee, who had previously bolted, this communication was presented by another member.

The call for the Republican convention provided—

that in no State shall an election be so held as to prevent the delegates from any congressional district and their alternates being selected by the representative electors of the district.

That provision is in accordance with the highly important principle of local self-government. It is founded in justice, equity, and righteousness. Is there a Member within the sound of my voice who questions the wisdom and propriety of that provision.

I will guarantee there is no one who does not believe we ought to insist that the people of a district shall have the right to elect their delegates as they elect their Member of Congress. If there is such, I should like to have him rise and say so. I do not see any gentleman rise.

After that call was issued the Legislature of California, under the influence of the governor, passed a law under which the voters of the entire State voted for all of the district delegates, though the nominations were made by districts.

Under the terms of the call none of the Roosevelt district delegates from California were entitled to seats in the convention. All were seated, however, except the delegates from the fourth district, where the Taft delegates had an undoubted majority of the votes of the district.

The Republican Party may be defeated, and it can stand defeat, but it can not afford to agree to a policy under which the people of a district are virtually disfranchised. *The party can not afford to tolerate practices under which great cities will control delegations from whole States.* I do not believe any party in this country will ever give its assent to the California plan, the plan which gives bosses their desired opportunity to control delegations.

THIRTEENTH INDIANA.

The next case, taking them up alphabetically, in the "purging resolution" is that of the thirteenth Indiana. It stands in a class by itself, and illustrates how men overreach themselves

when they part company with their judgment. I am rather inclined to the opinion that of the delegates elected to the thirteenth Indiana convention a very small majority was at the time the meeting was called to order favorable to Mr. Roosevelt. The test came on the election of a permanent chairman, a Taft man being clearly and legally elected by a very narrow majority. The vote in Laporte County, which was cast for the Taft chairman, was challenged by a delegate from another county on the ground that there were two or more delegates who were instructed for Roosevelt, and therefore intended or were expected to vote for a Roosevelt man for chairman, but on the polling of the delegation the solid vote was again given for the Taft chairman. From Fulton County the Taft chairman received one-half vote more, so it was claimed by outsiders, than the Taft strength in the county, but the delegation stood by its vote.

The election of the Taft chairman seems to have convinced the Roosevelt men that the Taft people had a majority in the convention and they immediately inaugurated the riotous procedure which seems to have been a part of the general plan of the Roosevelt supporters everywhere. When the chairman, following a rule previously adopted, declined to poll a county delegation in regard to the representation of the county on the credentials committee pandemonium broke loose, and the disorder was such that it was difficult to hear the proceedings. The committee on credentials dismissed all contests, of which there were six against Roosevelt delegates and two against Taft delegates. In the midst of fearful din and confusion kept up by Roosevelt people, which lasted several hours, and during which time the chairman used a megaphone, Messrs. Studebaker and Fox, Taft delegates, were declared elected, there being no other nominations made and some of the Roosevelt delegates failing to vote. The result of the vote was not questioned at the time nor for more than a month and a half afterwards.

After the adjournment of the regular convention and as the delegates were leaving the hall, a few delegates gathered under a balcony in a corner of the hall where they remained for not to exceed five minutes. In the meantime the band was playing and the usual confusion attending the adjournment of a meeting was going on. At that time and under those circumstances it was claimed that the contesting delegates were elected. The noise was so great that the probability is that a few of the little handful gathered could hear each other. To call such gathering a convention is ridiculous beyond words.

Mr. NORRIS. Will the gentleman yield?

Mr. MONDELL. I will be glad to yield briefly.

Mr. NORRIS. Is it true that there was a statement presented to your committee, signed by a majority of the members of this convention, stating that they had voted against the election of the Taft delegates?

Mr. MONDELL. No; there were some affidavits to the effect that those signing them had not voted for Taft delegates.

Mr. NORRIS. The gentleman has not answered my question.

Mr. MONDELL. I said no. That was my answer to the gentleman's question.

Mr. NORRIS. The question I wanted particularly to call the gentleman's attention to was when through the megaphone the chairman called for the negative vote on the election of the Taft delegates whether or not there was not a statement presented by ex-Senator Beveridge to your committee signed by a majority of that convention stating that they had voted against that motion?

Mr. MONDELL. I do not recall any such statement. I am quite certain there was none. I think it was conceded there was no considerable vote. Most of the Roosevelt people did not vote. Senator Beveridge did not appear before our committee in regard to the thirteenth Indiana. The gentleman from Nebraska is barking up the wrong tree. He is talking about the wrong contest. Senator Beveridge was before our committee for two long hours in the middle of the night in regard to the Indiana contest at large.

Mr. NORRIS. I have not asked about the Indiana contest at large.

Mr. MONDELL. Certainly, if the gentleman has in mind anything that Beveridge said, it has to do with the delegates at large.

Mr. NORRIS. Did he not appear as attorney for the Roosevelt contestants?

Mr. MONDELL. Not according to my recollection on the thirteenth Indiana. He appeared for the delegates at large, of which he was one. I am amazed that the gentleman from Nebraska will stand here and defend outrageous riots such as that in the thirteenth Indiana. If there ever was a case where men were utterly unjustified and unjustifiable in what they did, that was the one.

Mr. HILL. Will the gentleman yield?

Mr. MONDELL. Yes. I yield to the gentleman.

Mr. HILL. Does the gentleman remember how Mr. Cady, the La Follette member on the committee, voted on the thirteenth Indiana case?

Mr. MONDELL. Yes; he voted with us on the thirteenth Indiana and referred to it in a report he made to the convention, as follows:

> The Roosevelt delegates created such noise and confusion, lasting for hours, that the transaction of business was impossible. It appears, on the other hand, that the Taft forces were enabled to transact the necessary business and elect their delegates. The opposition to the proceedings, resulting in the election of the Taft delegates, was nothing less than a deliberate attempt to create a state of anarchy, and under the circumstances we do not feel that the Roosevelt delegates were entitled to seats against the Taft delegates.

What the gentleman from Nebraska probably has in mind is a bunch of hazy affidavits which were filed as an afterthought and which had reference to the proceedings that day. There were 143 delegates in the convention. There were 70 of these affidavits couched in the most general terms, and it is impossible for anyone to say whether they have reference to the regular convention or to the little five-minute gathering under the balcony in the midst of noise and confusion and band playing when the Roosevelt delegates were said to have been elected. There were four affidavits signed by men who said that they were favorable to Roosevelt, but in the noise and confusion of the convention they did not vote at all and left before the alleged rump convention. *If the gentleman is relying on these affidavits he loses his case by his own witness.*

I have already stated that I am rather inclined to the opinion that when the convention met there was a small majority—possibly two or three—favorable to Roosevelt, but when the Taft candidate for temporary chairman was elected by a small but unquestioned majority some of the Roosevelt men started a riot, during which some of the Roosevelt men did not vote at all. The major portion of them refused to vote. There was no evidence that any Taft man had anything to do with the noise and confusion. No one claimed anything of the kind, and if the Roosevelt men had kept quiet they would have had abundant opportunity to have displayed their strength, whatever it was. They saw fit, in the words of the gentleman from Wisconsin, to create a state of anarchy.

KENTUCKY.

In Kentucky the policy of "psychological" contests, to which I have heretofore referred, was inaugurated as in other parts of the South. The Taft delegates at large, as well as those from the first, second, fourth, seventh, eighth, and tenth congressional districts were contested. Of these contests only those from the seventh and the eighth were carried to the committee on credentials.

The Republican Party of Kentucky operates under a set of rules adopted long since and uniformly recognized as binding on Republican assemblies and conventions.

SEVENTH KENTUCKY.

The convention in the seventh Kentucky district met in accordance with a regular call, and a temporary roll was made up in accordance with the rule which, in case of a contest, places the delegation on the temporary roll whose credentials are approved by the county chairman.

A Taft man was elected temporary chairman of the convention by a vote of 98 to 47. A committee on credentials, consisting of one member from each county, designated by the delegation, was appointed, and in due course it reported; its report being signed by all of the members of the committee but one who presented a minority report. Not only was the majority report supported by the overwhelming majority of the committee, but it bears every evidence of absolute fairness. The disagreement was particularly over Fayette County. There is abundant evidence that the Taft men were largely in the majority in the mass convention in that county, and that contention is supported by the fact that the chairman, who was favorable to the Roosevelt cause, refused a demand for tellers on the vote for temporary chairman, but proceeded arbitrarily to declare the Roosevelt candidate elected. This arbitrary and revolutionary act on the part of the chairman, which is not disputed, resulted in two conventions in the same hall, one of which elected Taft and the other Roosevelt delegates to the district convention. As I have stated every member of the committee on credentials of that convention except one voted to seat the Taft delegates from that county, and the committee on credentials of the State convention which elected the delegates

at large who were seated also held that the Taft delegates from this county were entitled to their seats.

In the Scott County convention the Roosevelt men bolted the convention after tellers had been appointed to count the vote for temporary chairman, but before the vote was taken. In Franklin County the Roosevelt followers bolted immediately after the unchallenged election of the temporary chairman, and they held their convention in the courthouse yard, if a convention it could be called. The testimony is that there was only a handful of people present. In Woodford County the chairman, a Taft man, refused to grant a count of the votes cast for temporary chairman, and following the rule which was followed in a similar case in Fayette County, where the Roosevelt chairman had refused a count, the Taft delegates from Woodford County were unseated and the Roosevelt delegates seated.

In all the Kentucky district cases the purely technical point was raised that after the call for district conventions had been issued the boundaries of the districts were in some instances changed by a redistricting act. Of course, it was impossible to modify the call after it was issued, and this convention was the flimsiest kind of a technicality.

After the report of the committee on credentials of the district convention, as above stated, was adopted, certain Roosevelt men bolted the convention and held another alleged convention elsewhere, and it was the delegates thus elected that the national committee refused to recognize.

EIGHTH KENTUCKY.

In the eighth Kentucky district there are 10 counties. There were 163 votes in the district convention. There were contests from but two counties. *If both were given to the Roosevelt men, the Taft forces would have had over 100 out of 163 delegates in the convention.* In one of these counties the Roosevelt followers had bolted because the chair appointed tellers when they claimed they wanted them elected. They left before the vote was announced. The Taft delegates were seated in the district convention. In the Boyle County convention the tellers appointed by the chair agreed that the Taft men had a majority, but the chairman refused to accept their statement and certified to the contrary. This delegation was divided and each side given half in the district convention.

After the report of the committee on credentials had been adopted, following the practice which seems to have become a habit with the Roosevelt people, a few of them bolted the convention. One of the flimsy pretexts for so doing was that some of those who participated were from a county not in the new congressional district, though they were in the congressional district at the time the call was issued.

After the regular convention had adjourned a rump convention was held by the Roosevelt men, at which they elected the contesting delegates to the convention. It has never been claimed that this rump convention contained a majority or anything more than a small minority of delegates who had presented any claim of a right to sit in the district convention. The national convention very properly refused to recognize delegates so elected.

ELEVENTH KENTUCKY.

The eleventh Kentucky was a Taft contest. The "purging resolution" claimed that two votes were stolen in that district. As a matter of fact, only one vote was given to Taft by the national committee, the matter having been compromised by seating one each of the Roosevelt and Taft delegates. As a member of the committee on credentials, I heard this case with great interest, for it was a case where the usual procedure was reversed. In this case the Taft delegates instead of the Roosevelt delegates bolted the district convention. It is true they had abundant cause for so doing. The chairman, a Roosevelt man, constituted himself the whole show, and ran things with a high hand, as is evidenced by the fact that 284 delegates out of a total membership of 384 repudiated the proceedings under the chairman and proceeded to elect delegates. If a bolt was ever justified it certainly was on that occasion, but the weary monotony of bolts by Roosevelt men on the flimsiest pretext disinclined me to favor bolts, and in this case I voted to seat both of the Roosevelt men. It was the first case in regard to which there had been a shadow of doubt in my mind. I was anxious to resolve it in favor of the Roosevelt men, but the majority of the committee believed the decision of the vote as agreed upon by the national committee was fair.

MICHIGAN.

The contest involving the six delegates at large from Michigan and the incidents leading up to it furnish capital material for a farce comedy, in which a highly impulsive governor, not so long ago for Taft, at the time of our story for Roosevelt, and now for Wilson, played a star part. A company of the State militia also figures in a picturesque but rather unwilling part. A millionaire ex-member of the Cabinet under Mr. Roosevelt, who had imbibed the spirit of the new nationalism to the point where he considered himself justified in running conventions, if he had a chance, according to his own sweet will, and a State chairman who, after the manner of some other small boys, refused to play unless he could run the game, took prominent serio-comic parts.

To begin with, the State chairman, who was a pronounced Roosevelt man, declined to sanction a call for a meeting of the State committee preliminary to the State convention issued by the secretary and approved by a majority of the committee; he also refused to abide by or approve the action taken, which consisted, among other things, in rescinding the former action of the committee in the selection of a temporary chairman for the forthcoming State convention, the person previously selected having announced his intention to deny roll calls and to decide questions in accordance with his personal preference.

Nobody but the impulsive governor had any notion that there was likely to be disorder at the State convention, nevertheless the local armory, where the convention was to be held, was found on the morning of the convention to be under guard by a detachment of police and militia ordered there by the governor. Difficulty was experienced in securing admission, but a formal demand having been made by the State committee, they were finally admitted only to discover that not only had the governor guarded the doors with his soldiers, but that his political adviser, the chairman of the State committee, had intrenched himself in state on the rostrum, protected by the strong military arm of the State.

The members of the central committee called upon the chairman to call them to order, but he refused to play, and they were obliged to select another chairman for the transaction of business. The soldiers, to their great relief, having been called off, the doors were finally opened, and the delegates and others were admitted, as at national conventions, by card. The chairman of the central committee finally consented to call the meeting to order. The secretary then reminded the chairman that the State committee had selected, as they had the right to do, a temporary chairman. This chairman assumed the chair, and the call for the convention was read. Meanwhile the chairman of the State committee was still attempting to act as temporary chairman of the convention. Among other things, he declared one Baker elected temporary chairman. In order to settle the matter the regularly appointed temporary chairman ordered a roll call on the election of Mr. Baker. There were yeas 67, nays 818.

Pursuing the tactics that have become familiar in connection with these cases, the chairman of the State committee and a few others proceeded to make all the disturbance possible and succeeded very well indeed. *However, the convention went on with its work, committees were appointed and reported, four roll calls were had, with a majority vote of from 900 to 975* in each case and a minority of not to exceed 21 in any case. For a considerable time the State chairman, still claiming to preside, occupied one end of the platform and, with a few others, made all the noise possible. Finally this disturbing element left the hall, taking not to exceed 200 of those claiming seats in the convention of over 1,000. These bolters claim to have elected the contesting Roosevelt delegation.

The committee on credentials of the convention gave abundant opportunity for the hearing of contests, but the contestees from the two counties from which there were contests, Calhoun and Wayne, did not submit their cases. *Had the Roosevelt claimants from those counties presented their cases and been seated the Taft people would still have been in control of the convention by a good majority.* There were troubles in the county conventions in these two counties. In Calhoun County the Roosevelt people created such a disturbance that it was with the greatest difficulty that the convention transacted its business. In Wayne County the Roosevelt manager, who was not a delegate to the convention, and a few others, not to exceed 45, gathered in one part of the hall and created a perfect bedlam by shouting and gesticulating, and finally left the hall. After the row had subsided the convention transacted its business in an orderly way, elected its delegates, and adjourned.

The Taft delegates from Michigan were seated by the national committee without a roll call. The Roosevelt contestants did not take the trouble to include the case in the list of cases to be appealed to the committee on credentials, and yet the Taft delegates from Michigan were among those designated as having been stolen.

THIRD OKLAHOMA.

On the morning of the day fixed for holding the district convention in the third Oklahoma district, a meeting of the con-

gressional committee was held at which each of the 19 counties composing the district were represented by committeemen or proxies. The question of the right of W. S. Cochran to a seat in the committee and to act as chairman, which he proposed to do, was questioned, he having moved from one county into another and both counties claiming other representatives. This, and the fact that the chairman refused to allow the committee to pass upon the question of its own membership, but insisted upon arbitrarily recognizing or refusing to recognize proxies, resulted in a resolution being offered to declare the position vacant. There is no question but what 11 members of the committee who were present in person voted for this resolution. Whereupon Cochran announced the committee adjourned until 1.30 p. m., though according to the terms of the call the convention was to meet at 11. After making this announcement, Cochran and a few others walked out of the committee meeting and the committee continued its business by electing officers, making up a temporary roll, and so forth. At 11 o'clock the convention met in the World Building, the temporary roll was, in due course of business, made the permanent roll, delegates favorable to Mr. Taft were elected, and the records of the convention, including the credentials of all the county delegates, were properly certified by the officers of the county organizations and transmitted to the national convention.

Cochran called a convention at the opera house. This convention had no regular credentials from the counties. Testimony before the national and credentials committees was that this so-called convention had no real organization and was largely made up of idlers and curiosity seekers. This case was so plain that the national committee did not have a roll call, and the testimony before the congressional committee left absolutely no doubt as to the regularity of the Taft delegates.

SECOND TENNESSEE.

The second Tennessee was one of those districts in which it is claimed that the Taft delegates were fraudulently seated. This is the district so ably represented on this floor by Hon. RICHARD W. AUSTIN, who has been twice elected to this House as a Republican. When the district convention met on March 9, there were contests from five counties, two of which had been instituted through a misunderstanding of the facts and were abandoned. When the committee on credentials was appointed the contestants from the other three counties declined to submit their cases to the committee and organized a bolt. The convention proceeded to do business in a regular way and elected two Taft delegates to the Chicago convention, regularly elected Roosevelt delegates from two counties remaining in the convention throughout its entire session. Some bolters also held what, being devoid of a sense of humor, they were pleased to call a "convention." Realizing later that their action was in the nature of a political joke, they resurrected the tattered remnants of an old organization which had been fighting Mr. AUSTIN and making his election as a Republican Congressman difficult. This outfit called another convention, at which only part of the counties in the district were in anywise represented, and elected as Roosevelt delegates to the convention two men who had participated in the election of delegates to the former regular convention. It is very clear to the dullest understanding that the men so elected were not entitled to seats in the Republican national convention.

NINTH TENNESSEE.

The two Taft delegates from the ninth Tennessee district were among those claimed to have been improperly seated, although the Roosevelt delegates and *their attorneys thought so little of their case that they practically abandoned it before the credentials committee.*

There are two organizations in this district, both claiming to be regular, both of whom named congressional candidates two years ago, and each organization held district conventions. At the head of one is the State treasurer elected by a Democratic legislature. The chairman of the organization supported the Democratic candidate for governor in 1910. This organization, on March 26, held a convention at which it elected delegates instructed for Taft. Later, on the theory that 30 days' notice had not been given of the first convention, they held another convention, again without proper notice, and elected and instructed the same delegates for Roosevelt, having in the meantime, possibly owing to the advent of missionaries from the North, changed their minds with regard to the candidate.

The other organization, which had been recognized as regular by the State committee in the election of 1910, and whose candidate for Congress received a considerably larger vote in that year than the candidate of the rival organization, held an orderly convention, after due notice, and elected delegates instructed for Taft, which delegates were seated, as above stated.

TEXAS.

The contest over the eight delegates at large from the State of Texas is the only one heard before the committee on credentials all of which I did not hear. It came after a long night of hearings, and I was absent while a part of the testimony was being taken. The main facts are, however, undisputed. Texas has a primary law under which parties casting over 100,000 votes must act. In 1896 and in 1900 the vote of the Republican Party was large enough to bring it within this law, but under the incubus of the Federal officeholding machine, of which Col. Cecil Lyon has been the head, the Republican vote has steadily dwindled. The Republican vote was 167,000 in 1896, 121,000 in 1900. Roosevelt received but 51,000 votes in 1904. Taft did some better in 1908, with a vote of 65,000, but the Republican candidate for governor of the Lyon officeholders' machine in 1910 received but 26,000 votes. Having manipulated matters in the interest of his officeholding clique so that the Republican vote was too small to require primaries, Col. Lyon was able and did control affairs in a way to deprive the majority of the Republicans of the State of control of the party and place it, or attempt to place it, in his own hands.

Of the 249 counties in the State of Texas there are 9 which did not cast a single Republican vote at the last election and 32 which cast less than 10. The average of the Republican vote in 99 counties was less than 23. *No bona fide primaries or conventions or gatherings of any kind to elect delegates to the State convention were held in any of these counties.* Postmasters friendly to the Lyon machine sent bogus proxies to Lyon and his officeholding henchmen for the purpose of enabling them to control the State convention. The minority of the committee on credentials of the national convention admit in their report that 40 of these counties were not entitled to representatives in the State convention.

When the State committee, dominated by Lyon's Federal officeholders, met for the purpose of making up the temporary roll of the State convention, a Mr. Elgin attempted to keep from the temporary roll these counties in which there had been no regular election of delegates, and though they were temporarily omitted they were finally placed upon the roll. No provision was made whereby contesting delegations could get into the convention hall, and it was made clear that the Lyon machine, through its postmasters' proxies from prairie dog counties, proposed to control the convention to the exclusion of the representatives of the party in counties having Republican organizations and a respectable Republican vote.

In this state of affairs delegates representing more than a majority of all the counties in which there were Republican organizations assembled in convention at Byers's Opera House, in the city of Fort Worth. This convention transacted its business in detail and in an orderly manner in sessions lasting nearly all day, and elected delegates to the national convention pledged to Taft, which delegates were seated by a vote of 35 to 18 by the national committee and by a majority of over two-thirds by the committee on credentials. If one had the time many well-authenticated instances could be recited in which Mr. Lyon, who practically controlled the appointment of 2,800 Federal officials, and those who worked with him deliberately conspired with Democrats to defeat Republican candidates. The sad state of the party in Texas and its dwindling vote is eloquent of the effect of his tactics. His effort to control the party in the State by proxies which represented nobody but possibly a single Federal officeholder is characteristic of the high-handed methods of piracy from which the party has been relieved by action of the national convention.

TEXAS DISTRICTS.

The contests in the second, fourth, fifth, seventh, eighth, ninth, tenth, and fourteenth Texas districts were either decided unanimously by the national committee or by a viva voce vote, and *they were abandoned before the committee on credentials.*

In the first district the Roosevelt delegates were elected by a bolting convention which did not represent a tenth of the votes, the bolters being all Federal officeholders.

The Roosevelt delegates from the second congressional district were elected at a meeting of six men held behind locked doors in the mayor's office in the city of Nacogdoches, as stated by an affidavit furnished by the mayor. All of these men had participated in the regular convention which had previously elected the Taft delegates.

FOURTH TEXAS.

In the fourth Texas district the small delegations from four of the five counties were contested. In this district, as in other parts of Texas, the Lyon organization endeavored to prevent negroes from participating. The district convention which elected the Taft delegates constituted a clear majority of the regularly elected delegates.

FIFTH TEXAS.

At the district convention in the fifth Texas district, the chairman, after having unsuccessfully attempted to deprive the counties of their just representation, left the hall. A new chairman was elected, committees were appointed and reported, and Taft delegates were elected to the national convention. Later the Roosevelt men held a meeting at which they elected delegates.

SEVENTH TEXAS.

When the district convention of the seventh Texas met in Galveston, certain persons claiming to be delegates from three unorganized counties insisted upon having their names placed on the temporary roll. As none of the counties had been legally organized, and the parties had no credentials, the committee making up the temporary roll declined to place them thereon, whereupon they organized a rump convention and elected Roosevelt delegates to the national convention.

EIGHTH TEXAS.

In the eighth Texas the Roosevelt people controlled the executive committee, but the Taft people controlled the convention, and adopted a minority report, whereupon the Roosevelt people bolted.

NINTH TEXAS.

In this district the district committee met at the call of a Mr. Speaker, a member of the committee, the chairman having refused to call the committee together to make arrangements for the district convention. At the meeting a letter was read, which stated that the State chairman had concluded that district conventions were not necessary, that the district delegates might be elected at the State convention. The committee did not take this view, and a convention was called for May 15. After this call was issued, the chairman of the district committee changed his mind, and, with a minority of the committee, called a convention on May 18. The convention first called was regularly held, with delegates from 12 of the 15 counties of the district, and elected delegates pledged to Taft. The latter convention was not called in time to give the notice required by law and was slimly attended. It elected Roosevelt delegates.

In the fourteenth Texas district there was a dispute over the control of the executive committee. Certain Federal officials claimed the right to act, which was denied, and the temporary roll of the convention was made up, and as thus made up the Taft men had a considerable majority. There was a contest over Bexar County, the largest county in the district, but it was clear that the Taft delegates were elected by a large majority. The convention elected delegates instructed for Taft by a considerable majority.

WASHINGTON.

The "roll-purging" resolution included the eight delegates at large from the State of Washington and the six delegates from the first, second, and third districts. The contest over the delegates at large hinges primarily on the delegation from Kings County, which includes the city of Seattle. A variety of methods were employed for selecting delegates to the State convention. The first county to act was Ferry, and delegates favoring Roosevelt were selected by the county central committee, as had been the usual practice in the State. Later, in Stevens and Walla Walla Counties, Roosevelt delegates were selected in the same way. From Franklin County a delegation was selected by the county committee instructed for La Follette. In Whatcom and Skaggit Counties Taft delegates were elected as the result of a primary agreed to by all parties. In some counties Taft delegates were selected by county committees.

Mr. WARBURTON. I understood the gentleman to say that it was the usual custom for the county central committee to elect.

Mr. MONDELL. I think that is true.

Mr. WARBURTON. The gentleman is mistaken.

Mr. MONDELL. That was the testimony before our committee.

Mr. WARBURTON. That never has been done except in one instance, and that was when we were nominating judges two years ago.

Mr. HUMPHREY of Washington. Will the gentleman from Wyoming ask my colleague from Washington [Mr. WARBURTON] if he is not mistaken when he says that has not been the custom with reference to selecting delegates to a national convention.

Mr. WARBURTON. I am not mistaken on that.

Mr. HUMPHREY of Washington. I think the gentleman is mistaken.

Mr. WARBURTON. There was a primary law in force from 1905 to 1909 which prohibited anything of that kind.

Mr. MONDELL. The gentleman from Washington [Mr. WARBURTON] says there is a State primary law which prohibits it. The people who were upholding his side of the case before the committee swore by the great horn spoon that there was no primary law under which they could elect these delegates, and that was their excuse for having a soap-box primary.

Mr. HUMPHREY of Washington. That is true, too.

Mr. WARBURTON. The gentleman from Wyoming misunderstood me.

Mr. MONDELL. That was their excuse. They said there was no such law.

Mr. WARBURTON. I did not make any such statement. I say that from 1905 to 1909 what is known as the Hicks primary law was in force, which prohibited the election of delegates in that manner, and in 1909 a primary law was passed which repealed——

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. From Franklin County, where the delegation was for LA FOLLETTE, the delegation was selected by the county committee for LA FOLLETTE. In Whitman and Skagit Counties Taft delegates were selected by a primary that everybody agreed to. Being small counties, nobody objected to them, and they were so elected.

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Briefly.

Mr. NORRIS. That was in the same State where you objected to the primary on account of there being no law to control it?

Mr. MONDELL. I am in favor of legal primaries, and there is no objection to an unofficial primary anywhere where everybody agrees to go into such a primary, but no one should be compelled to go into an unofficial primary.

Mr. NORRIS. Would there be any way to punish a man who voted illegally in that primary? Does not every objection that the gentleman made to Kings County, where there was no primary, apply to this?

Mr. MONDELL. Not at all.

Mr. NORRIS. Why not apply the same rule?

Mr. MONDELL. I do apply the same rule, but the gentleman from Nebraska does not. I believe in the rule of the people, and if all the people want an unofficial primary, they have a right to have it. The very fact that all agree to it evidences a state of affairs in which the vote will be honestly cast and counted, but no set of thieves and gangsters have the right to rob the people of their franchise by insisting upon a soap-box primary against the will of the majority. That is my opinion.

Mr. WARBURTON. Mr. Chairman, will the gentleman yield?

Mr. COOPER. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Wisconsin?

Mr. MONDELL. Briefly.

Mr. COOPER. Did I understand the gentleman to complain a little while ago about the epithets "thieves and robbers" being used by the Roosevelt people? Did not the gentleman just a moment ago himself characterize the people of Washington as thieves and scoundrels?

Mr. MONDELL. I did not, as the gentleman well knows, if he was listening, but I am very glad that the gentleman has called my attention to my use of a word I did not intend to use even under just provocation. I apologize to him and to the House for using the word thieves, even in the most general way. I certainly do not want to put myself in the class of those who have been using these epithets, and it was only because of my righteous indignation, as I thought of the outrages on the ballot that were proposed, that the word was wrung from my lips.

Mr. WARBURTON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I shall be glad to.

Mr. WARBURTON. Does the gentleman agree to the fact that the county central committee of King County——

Mr. MONDELL. Oh, I have not reached that, Mr. Chairman, and the gentleman from Washington, I know, is well informed as to the facts, and if he will kindly allow me to make my statement I am sure he can make his in his own time. The gentleman from Washington and the gentleman from Nebraska have the advantage of other gentlemen, for they seem to have a copy of my printed manuscript, and therefore know in advance what I am going to say.

Mr. WARBURTON. I understood the gentleman to say that he did not believe in soap-box primaries when ordered by the county central committee.

Mr. MONDELL. I did not say anything of the kind. If the county central committee is clearly authorized by the people composing the party to call a primary, and do so, they are within their rights. Minorities on county central committees may do very wicked things, and it was a minority of the legally elected committee in King County which called the primary.

The policy of confusing the situation by contests, which was so characteristic of the Roosevelt people everywhere, was prac-

ticed extensively and apparently with premeditation in this State. A contest was started by the Roosevelt people in a majority of the counties which were carried for Taft, and in this way a majority of the delegates to the convention was contested.

There was the same practice, whether it was in Washington or Alabama or Georgia or Arkansas—muddy the waters, lay the foundations for bolts, mislead the people through "psychological" contests—and if they did not win denounce in the most unbridled language the representatives of a great party, which, under the providence of God, has been one of the immortal instruments in the establishment of liberty, the furtherance of justice, and in the uplift of humanity. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent that the gentleman have time in which to conclude his remarks.

The CHAIRMAN. Unanimous consent was given for one hour. The gentleman from Pennsylvania [Mr. WILSON], who has charge of the bill before the House, insisted that he should not take over that time.

Mr. MONDELL. Then, Mr. Chairman, I trust that the gentleman will allow me to conclude. It will not take over 30 minutes, and I ask for that much time.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he be permitted to continue for 30 minutes. Is there objection?

There was no objection.

Mr. MONDELL. In Washington the county committees are composed of precinct committeemen elected at primaries in September of even-numbered years. A majority of the committee so elected in King County appointed a central committee with full power to act for the full committee, and this committee selected the delegates from King County to the State convention and the county committee approved this action. It so happened that the municipal authorities of Seattle had redistricted the city after the election of committeemen in September last and created 131 new precincts. When in April, after the action I have above referred to, the county committee assembled they found present 131 persons who claimed to be members from the new precincts by appointment from the county chairman. The same committee under the same chairman had in a similar case decided that the appointment of such additional members by the chairman was illegal, and it undoubtedly was.

Mr. WARBURTON. Mr. Chairman, may I interrupt the gentleman?

Mr. MONDELL. Briefly.

Mr. WARBURTON. Is not that the custom and the practice of the State for the chairman of the county central committee, when a new precinct is divided or a vacancy occurs, to appoint the new committeeman?

Mr. MONDELL. Mr. Chairman, if there is any State in the American Union that has any provision of law under which a man holding no official position at all can appoint 131 *elective* officers, that State needs to modify its statutes. Of course, there is no such power granted in any American Commonwealth. These were not vacancies; they were *elective offices* that had never been filled because the time for filling them had not arrived.

Mr. WARBURTON. On the contrary, is it not the ordinary rule everywhere?

Mr. MONDELL. On the contrary, as I have stated, this very committee, under this very same chairman in a former case when the same question had been raised, had held that the chairman had no authority to appoint, and he never questioned that judgment. There is no question about it.

The chairman did attempt to appoint 131 elective officers. Certainly I do not have to argue with the House of Representatives of the American Congress as to whether that kind of thing is warranted by any law anywhere.

It is claimed that the county committee, increased by the presence of these new appointees, ordered a primary for the election of delegates to the State convention, *but a majority of the legally elected members of the committee made affidavit to the effect that they did not authorize the primary.* No attempt was made to hold this primary in accordance with law or with legal safeguards. It was purely a soap-box affair. It was held in conjunction with the Democrats favorable to Wilson and at the same time and places.

The officers—if such they could be called—who were present at the primaries were appointed by the Roosevelt managers in the county and were responsible to no one. No outrage that could have been committed on the ballot would have been punishable. Repeating or stuffing the ballot boxes would not have been even a misdemeanor. Those in charge of the ballot boxes were at liberty to make up such returns as they saw fit. In view of these facts the Taft Republicans were exhorted not to attend the primaries or participate in them in any way, and they did not do so to any extent. There are between seventy and seventy-five thousand Republican voters in King County. At the close of the primaries the local papers announced that about 3,000 votes had been cast. *The tally lists and ballots were not filed with any public official,* and the Taft people never had an opportunity to see the alleged returns until they were filed with the national committee, when it was claimed that 6,900 votes had been cast for Roosevelt and 500 for Taft. In 30 precincts no votes whatever were cast.

Mr. WARBURTON. Mr. Chairman——

Mr. MONDELL. Mr. Chairman, I decline to yield.

Mr. WARBURTON. You do not dare to, because here is the morning paper reporting it by precincts.

Mr. MONDELL. Mr. Chairman, the papers may or may not have been accurate.

Mr. WARBURTON. This is by a Taft paper.

Mr. MONDELL. Mr. Chairman, if the gentleman from Washington insists on interrupting me, I am perfectly willing to call his witness in this case and will accept the witness if he will. I said a moment ago that at the close of the primaries the local papers announced that about 3,000 votes had been cast, but *the tally lists and ballots* were never filed with any public official, and the Taft people never saw the alleged returns until they were filed in the contest with the national committee, at which time it was claimed that about 7,400 votes in all had been cast—6,900 for Roosevelt and 500 for Taft. Now, the gentleman from Washington insists on my accepting the statement of a morning paper published the morning after the primaries, which he says reports the election by precincts.

I happen to be informed with regard to the article which, I understand, the gentleman refers to. It was printed in a pamphlet of the records of proceedings of the Washington State convention filed with the national committee. The paper is the Seattle Post-Intelligencer, and Herman W. Ross, the reporter who furnished the copy, furnished an affidavit to the effect that he received these returns of the gentlemen who were managing the primaries on behalf of Roosevelt, who gave them to him as being correct. The article is quite long and purports to give the votes for Roosevelt and LA FOLLETTE by precincts, but does not give a single vote for Taft in the precinct tabulation. I will accept the gentleman's witness if he insists upon it. The opening statements of this article are as follows:

FACTION PRIMARY IN KING BRINGS OUT SMALL VOTE.

No judges in many precincts and no polling lists to check voters—Some boxes are empty—In the entire county there are cast only 2,810 for Roosevelt and 1,530 for LA FOLLETTE—Wilson Democrats poll 649; CLARK gets 226.

The factional primary held yesterday by the Roosevelt and La Follette Republicans and the Wilson Democrats was notable for the lack of interest displayed by the voters. Every effort had been made to attempt to poll a large vote so as to indicate the popularity of the three presidential candidates in King County.

Complete returns received last night from 214 out of 281 city precincts and 9 of the country precincts showed that from a total of 100,000 voters of King County 2,810 went to the polls to express a choice for Theodore Roosevelt, 1,530 voted for LA FOLLETTE, 649 Democrats voted for Woodrow Wilson; and 226 for CHAMP CLARK.

Although the supporters of William Howard Taft refused to recognize these primaries arranged under the sole supervision of Roosevelt and La Follette leaders as lawful and legal, and in spite of the fact that the King County Taft Club and the King County executive committee had sent out thousands of letters urging Republicans not to participate in these primaries, Mr. Taft received a total vote of more than 400.

It will be noted that the total vote for Roosevelt and LA FOLLETTE, as stated by this article, is 4,300, which is over 3,000 less than the number of votes which it was claimed had been cast when the Roosevelt contestants filed their contest in Chicago.

Mr. WARBURTON. May I interrupt the gentleman?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Washington?

Mr. WARBURTON. The gentleman said a moment ago that there were 75,000 Republican votes. I want to call his attention to the fact that at the last election with the full vote—Democrats, Socialists, and everyone in the city of Seattle—there were not 55,000 votes cast.

Mr. MONDELL. I do not know anything about that, but I remember very distinctly seeing a registration list by precincts of Seattle alone, made in 1912, totaling more than 74,000 names.

The filing of numerous contests by the Roosevelt people created a condition hitherto unknown in the State of Washington, and to meet it the State committee met in advance of the convention for the purpose of hearing contests and making up a temporary roll. There was a determined effort to intimidate the committee, but it was not successful. The contests, includ-

ing the one from King County, were all heard, and the temporary roll made up by a vote of about three to one.

After the temporary roll had been made up there were rumors that the Roosevelt people proposed to storm the convention hall with their numerous contesting delegations. Failing in that it is clear they intended to hold a rump convention, for they had hired a hall and gathered their forces there. In order to prevent the storming and packing of the convention tickets were issued to delegates and visitors. As soon as the Roosevelt followers found they could not pack the convention they retired to the hall they had previously hired and held a separate convention, at which the contesting Roosevelt delegates were elected.

The regular convention transacted its business with a majority of the duly elected delegates in attendance. The contest from King County was not presented to the committee on credentials. The committee adopted the temporary roll except as to the delegates from two counties, and as thus amended it became the roll of the State convention which elected eight Taft delegates.

The State convention recessed for the purpose of allowing the three district conventions to be held, and Taft delegates were elected from each of the three districts.

As I have stated, the Democrats favorable to Wilson held a soap-box primary in King County in conjunction with the Roosevelt Republicans and at the same time and place. *The Democratic State committee refused to seat the delegates thus named and seated, as the Republicans did, a delegation appointed by the county committee. The Democratic convention at Baltimore took the same action. The action taken by both parties was the same.*

VIRGINIA.

The motion to unseat 92 Taft and seat 92 Roosevelt delegates included all of the delegates from Virginia. As I have stated, all these contests were so utterly frivolous that they were entirely abandoned. The alleged convention at which the contesting delegates were said to have been named were in every case held more than two months after the regular convention. These mushroom conventions sprung from the fertilizing activities of a Roosevelt agent from the North, heretofore referred to. There was only one vote in the national committee in favor of seating these delegates. None of the cases were appealed to the credentials committee. A colored Republican from the fifth district asked for a hearing, but the statements he made related to happenings four years ago. It should be remembered that these *wickedly frivolous contests represented one-fifth of the alleged "stolen" delegations*, and it is on such infinitely and maliciously frivolous contests as these that the most astounding charges of fraud and corruption have been hurled at the convention of a great political party.

DISTRICT OF COLUMBIA.

Possibly some of those present may have some knowledge of the manner of the election of delegates to the national convention from the District of Columbia. A primary election, agreed to by all parties and participated in freely by Republicans of all factions and surrounded by all possible safeguards, was held. The returns were made to an election board named by the national committee and showed that the Taft delegates received 2,966 and 2,964 votes respectively, as against 1,846 and 1,148 for the Roosevelt delegates. A lot of general charges were filed, none of which were substantiated, while the regularity of the election of the Taft delegates was abundantly proven. *The contest was a mere bluff.* The national committee seated the Taft delegates by a viva voce vote. The case was never carried to the credentials committee, though the contesting Roosevelt delegates were in Chicago at the time. *This is a fair sample of the alleged "theft," which some men are making the basis of an excuse to desert the candidates of their party.*

COMMITTEE ACTION.

The majority of the committee on credentials made written reports to the national convention on every contest submitted to them, giving in detail their reasons for the action taken in every case. Beyond a formal protest, filed with every case, against certain gentlemen, who were members of the national committee or from States in which contests had been brought, serving on the committee, no detailed reports or statements were made by the minority except in the following cases: Ninth Alabama, four line protest in fourth California, fourth North Carolina, Texas, and Washington. In the last two cases the minority did not agree as to facts and signed two reports. It was claimed as an excuse for this failure to state reasons why the Roosevelt delegates should be seated that the minority did not have time to prepare reports. They certainly had as much time as the majority. What they lacked was not time but facts to support their contention. It is easy to make unwarranted assertions and to hurl offensive epithets, and these, and not facts have been relied upon to support these flimsy contests.

It will no doubt be urged that the fact that members of the national committee favoring Col. Roosevelt in a large number of cases voted against the seating of the Roosevelt contestants is evidence of the fact that they were entirely fair-minded and should be an argument in favor of their judgment in those cases in which they did vote to seat the Roosevelt delegates. I have no disposition to detract from any credit that may be due these gentlemen, but these hearings were public; all the world had access to the facts. The cases in which they voted to seat the Taft delegates were so clear and the contest of the Roosevelt delegates so flimsy that no man having the least regard for public opinion could have voted otherwise. In those cases where there was the slightest excuse for a difference of opinion they voted for the Roosevelt delegates invariably. In the cases before the credentials committee practically every avowed Roosevelt adherent voted in every case for the Roosevelt delegates, even in cases like the Indiana delegates at large, where the vote of the national committee had been unanimous.

OTHER CASES.

This I believe concludes the list of "tainted" seats. There are a number of other contests I should like to refer to if I had the time, particularly the case of the Indiana delegates at large.

Although the national committee had decided this case unanimously in favor of the Taft delegates, the committee on credentials was asked to take it up, and for more than three hours in the middle of the night we listened to declamations in regard to it.

I am now prepared to say I do not think there are many people who possess the nerve to argue a contest like this in the first instance. I know of but one man who would repeat the infliction.

INDIANA.

The contest in Indiana was based on alleged fraudulent voting in a *lawful and properly safeguarded primary* in the city of Indianapolis, and though general and sweeping claims of fraud were made in the manner truly characteristic of the Roosevelt contestants in all the cases, only three specific acts of illegal voting were charged out of 7,643 votes, of which Taft received a majority of 4,683.

The bringing of such a contest ought to subject those who bring it to the scorn of all right-thinking men, and yet Col. Roosevelt, if I recollect rightly, thundered right vigorously about the outrage committed by the Taft people in this case. No doubt he was imposed upon in this and other cases by those who claimed to know, in which event should we not have heard a retraction when he discovered the true situation?

RUMPS AND RIOTS.

One who has looked into the history of the contests before the Republican national convention can not help being impressed with the striking similarity of the methods employed in widely separated localities. Given a certain state of facts—for instance, a clear minority in a county, a district, or State convention—and the same procedure followed, whether it was in Washington, Michigan, or Alabama.

The stage was set in advance for a bolt or a riot, or both, by a plentiful supply of contests, and where the affair was in cool and practiced hands the entire procedure, including reports of committees that were never appointed, were made up beforehand. The procedure was so uniform everywhere that one is forced to the conclusion that it was all part of a deliberately planned and carefully executed scheme of campaigning.

REAL PRIMARIES AND SOAP-BOX PRIMARIES.

I can not close this statement without a word about primaries. It is superfluous to say that the ideal condition under a free government is one under which the people can express their will as directly as possible in the selection of those who are to serve them in official capacity. To accomplish this laudable purpose the direct primary has been quite generally adopted. *The success of the direct primary depends entirely on whether it is properly safeguarded.* If it be of such a character that the voters of one party can, through it, nominate the candidates of another it becomes a diabolical instrument for defeating the will of a majority of the people.

If, on the other hand, a procedure is had in the name of a primary around which no adequate safeguards are placed, at which repeating, ballot-box stuffing, the making of false returns, can be carried on with impunity, with scant chances of detection and no means of punishment if detected, the whole system of primaries will be brought into disrepute. We all know that in the case of a serious contest the ballot box must be guarded with the utmost care to prevent it being used to thwart rather than reflect the will of the people. Such soap-box primaries

as were attempted in Maricopa County, Ariz., and King County, Wash., would, if allowed to become general, seriously menace and finally destroy the primary system.

The attempt has been made, and no doubt will be made further, to mislead people into believing that the general attitude of the majority of the national and credentials committees was hostile to legal primaries. Nothing is further from the fact. In the fourth California case the contest was between delegates claiming to be elected at the same primaries. In no other case was the right of delegates elected as the result of a legal primary contested by the Taft people. On the contrary, the Roosevelt people challenged the overwhelming verdict of a legal primary in the case of the Indiana delegates at large. *Not a single delegate elected to the national convention as the result of a legal primary lost his seat on the contest of a delegate otherwise elected. The result of legal primaries—that is, primaries held under sanction of law—was invariably respected.*

CONCLUSION.

As admitted by the Roosevelt managers themselves, they started out deliberately at the beginning of the preconvention campaign to create contests. A large number of these contests were pure fiction, the contesting delegates claiming to be elected at conventions which, if held at all, were held a month or two after the regular conventions. Many of the contests which arose at the time conventions were held were the result of prearranged bolts based on the flimsiest pretexts. The great number of cases of conventions in which a disturbance was created, and the uniformly violent character of the same gives ample ground for the belief that it was part of the general plan of the Roosevelt managers.

Leaving out of consideration the contests admitted to be fictitious and "psycological," and coming down to the cases which were finally relied upon to support the claim of fraud, the facts in regard to them are as follows:

The Taft delegates from the ninth Alabama were entitled to their seats if the truth of every contention of the Roosevelt men were admitted.

The six Taft delegates at large from Arizona would have been elected just the same if the Roosevelt men had presented their contentions to the uncontested delegates to the State convention.

The Taft delegates from the fifth Arkansas were elected at the duly called convention held in the district; the other convention was a joke.

The Taft delegates from the fourth district of California had to be recognized or else deny the people of a district the right to elect their own delegates.

The Taft delegates from the thirteenth Indiana were elected at the only convention held in the district; the contestants were the product of a riot.

In the seventh and eighth Kentucky districts the Roosevelt delegates were the product of rump conventions, held because the Taft men had clear majorities in the regular conventions.

In the eleventh Kentucky district both sides sinned and each side was given one delegate.

The Michigan contest could only have been brought by men unable to realize the burlesque character of a procedure in which one-tenth of a convention attempted to control its deliberations. The bolters are now painfully divided between Wilson and Roosevelt.

The Taft delegates from the third Oklahoma were regularly elected at the district convention. The Roosevelt delegates were named at a small, select, unofficial gathering called as an afterthought.

The Taft delegates were elected at the regular conventions in the second and ninth Tennessee districts; the Roosevelt delegates were products of outfits which have been engaged for years in harassing Republican candidates.

The Taft delegates from Texas represented the large majority of the Republicans of the Lone Star State; the Roosevelt delegates represented the paper proxies from the prairie-dog counties held by Federal officials and patronage bosses.

A soap-box primary in Kings County, Wash., was made the excuse for a rump State convention by the Roosevelt people; the Taft delegates were elected at the regular convention. The soap-box primary was disposed of in the same way by both the Republican and Democratic conventions.

The action of the Republican national convention in the seating of delegates was correct, just, and equitable. Any honest jury having the facts before them would have decided the contests in the same way.

The proposition that electors on the Republican ticket in States which expressed a preference for Mr. Roosevelt shall, after having received the support which their position on the Republican ticket assures, cast their vote for the candidate of a third party has its alleged excuse in downright and persistent prevarication, on which rotten foundation it lays its proposal of treasonable larceny.

No one is justified in condemning the action of the Republican convention on mere hearsay, as has been largely done, and to be informed is to be convinced there is no ground for criticism. The convention acted honestly and in a spirit of fairness, in harmony with party history and for the best interests of the party and the American people. The violence of the attack on the party integrity has temporarily misled many good and well-meaning people, but the truth will triumph, the party be vindicated in its action, and its candidates elected. [Applause.]

Mr. NORRIS. Mr. Chairman, to begin with, I desire to ask unanimous consent to print as a part of my remarks some statements to which I shall allude during the course of my remarks.

The CHAIRMAN. The gentleman from Nebraska [Mr. NORRIS] asks unanimous consent to print certain statements as a part of his remarks. Is there objection?

There was no objection.

Mr. NORRIS. Mr. Chairman, one of these statements that I shall print in the RECORD was prepared by Mr. Sackett, a delegate from the State of Nebraska to the Chicago convention, and a member of the committee on credentials in that body.

I have submitted the statements that he has prepared to a member of the national committee who heard all the contests and all the controversies that were brought before that committee, and I have been assured by that man, a man whose name would be recognized by every man in this House, that the statement of Mr. Sackett is absolutely justified in every particular, and that he might even have gone further.

This statement, so far as it pertains to the State of Washington, was submitted to Judge Epperson, of Nebraska, a gentleman whom I have known for years, who heard the contests as to Washington and has examined all the evidence, and it has his approval.

I submitted, in substance, the statement of Mr. Sackett pertaining to a part of the contests from Washington, Texas, and Arizona to a man whose name, like that of the other gentleman, would be recognized not only here but all over the country, and who examined all the evidence and reported to me that the statement was practically correct, and that in his judgment there were nearly 50—I think he put it at that figure—or 48 delegates in the Republican convention that were taken away from Roosevelt and given to Taft—legally elected delegates unseated and illegal ones put in their places, without any excuse, without any reason—and that no man could reasonably reach any other conclusion from an examination of the evidence; and that he thought that 25 or 30 more were cases where honest men, reasonable men, examining the evidence, could honestly come to different conclusions as to the results.

I have examined everything pertaining to these contests that I have been able to get hold of, and have read everything that has been printed by those who have examined them—everything that I have been able to get—and I unhesitatingly say that I do not see how any reasonable man can examine the contests in Washington, California, Arizona, Texas, and some other States without coming to the conclusion that they were absolutely stolen in that convention. [Applause.]

Now, Mr. Chairman, I want to admit, to begin with, that honest men——

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. NORRIS. In a moment. That honest men may listen to the same evidence and come to diametrically opposite conclusions, so that I am not going to charge any man with dishonesty because he does not agree with me in the conclusions that I have reached. I am responsible to my own conscience in my investigations, and I concede to every other man the same right.

Now I yield to the gentleman from Washington.

Mr. HUMPHREY of Washington. I do not pretend to know anything about the facts, but I want to ask the gentleman this question. The gentleman spoke of some gentleman of very high standing who had passed upon the cases, as I understand, in the State of Washington. Is the gentleman going to give the name of that authority?

Mr. NORRIS. The authority I have mentioned I can not give. I can not give his name. I have mentioned two men whose judgment has been given to me whose names I can not use.

Mr. HUMPHREY of Washington. I want to ask the gentleman this question——

Mr. NORRIS. I will anticipate the gentleman's question. I admit that that detracts from the force of the argument, but it does not detract from the effect it has on me, because I know

the men. One of these men whom I have mentioned, whose name is familiar to every Republican in the United States, is supporting Taft to-day. He explained—no, I will not say he explained, but I gathered it from his conversation—that he had political aspirations of his own, and that while he thought it was downright stealing, yet he believed that the best thing for him to do under all the circumstances was to go on and recognize Taft as the party leader.

Mr. HUMPHREY of Washington. I want to ask the gentleman whether he thinks it fair, in view of the fact that he has said that the gentlemen, known throughout the country, have assured him to the effect that the delegation from the State of Washingon was stolen, that he should not give his authority?

Mr. NORRIS. I think it is fair. I have told the facts. I admit that it would not have as much weight with me as though the authority were given, and I assure the gentleman that I would be glad if I could give the name, but there are men all over the United States who feel the same way. [Applause.] These men are not coming out in public and telling their opinions, because they are afraid of the persecutions that would come to them, occupying certain positions as they do, on account of the political machine and the political faction that is now in power.

Mr. HUMPHREY of Washington. Will the gentleman yield for another question?

Mr. NORRIS. Yes.

Mr. HUMPHREY of Washington. I want to ask the gentleman whether he thinks it is fair to come in and quote authority of that kind when he knows in advance that he will not be permitted to give the name? Why does not the gentleman give the facts without quoting some one whom he will not name?

Mr. NORRIS. I am going to give the facts before I get through. I am talking about these statements that I intend to print, stating what the facts are. I have been trying to investigate to find out what was the actual fact in every case in order to satisfy my own mind.

Mr. HUMPHREY of Washington. The gentleman ought to state it, and not call upon an authority that he can not quote.

Mr. NORRIS. I am going to state it, if the gentleman will hold himself in peace and give me time, and I will not take two hours and a half to do it, either.

Mr. Chairman, as a Republican I submit to Republicans and to citizens of the country that if I come to the conclusion that a nominee in my party has been given the nomination by fraudulent, dishonorable means, it is not only my duty as a citizen, but as a member of the Republican Party, to denounce it and to denounce it openly. [Applause.]

TAFT'S MAJORITY ONLY 19.

Mr. Taft's alleged nomination was obtained in Chicago by a majority of 21. Bear that in mind. Two of those came from Massachusetts, and it is admitted that if there had been a roll call in which the Roosevelt men were voting those two men would have voted and their alternates would not have been allowed to vote. So, regardless of what we may think about the ruling of Chairman ROOT, those votes ought not to be counted, because if there had been a real contest, it is admitted even by the Taft fellows that Taft would not have received those two votes. So Mr. Taft's majority was 19. If, therefore, 19 delegates were placed on the roll of that convention by fraudulent, dishonorable, or illegal means, then Mr. Taft's nomination is tained with fraud. It is null, it is void, and is entitled to no consideration from anybody. Fraud has vitiated contracts from the beginning of civilization, and fraud ought, and at least in a moral sense does, vitiate a nomination, even though there is no law that can control national conventions.

PRIMARIES.

The gentleman from Wyoming [Mr. MONDELL] has had considerable to say about soap-box primaries. I wanted to ask him a question, but he would not yield so that I could. The question would develop this fact, that wherever the gentleman from Wyoming [Mr. MONDELL] in his two and one-half hours of laboring could find a place where some Taft delegates were elected at a primary, he told us about it. I was going to ask the gentleman the question, and I think the record will show that in no instance where there was a primary did they refuse to give the Taft delegates the vote of that primary and give Mr. Taft the benefit of whatever advantage that might be. And I think the reverse is true, that in every case where there was a primary which elected Roosevelt delegates that primary was called a soap-box primary, it was called fraudulent, and it was said that there was no law controlling it, and that they had no way to tell what the honest vote was. They talk about the primary in Indianapolis being an honest primary because Taft won out there. Oh, that was a virtuous affair. I remember meeting a Member of this House the day after they held that primary, and he said, "Taft got a great big majority in Indianapolis and I am sorry that the Republicans thought it was necessary to stuff the ballot boxes down there, because they did not need to. We could have beaten the Roosevelt fellows without it."

The Indianapolis papers announced that there was fraud there. I am not claiming anything for Indianapolis. I am not going to try to take it away from Taft, because I do not know how much fraud there was there. The vote was given to him and I have no knowledge to claim to the contrary, and hence I am not finding fault with it. I refer to it only to show how the gentleman from Wyoming [Mr. MONDELL] loves a primary when it goes for Taft and how he hates it and despises it when it goes against him.

In the State of Washington there were primaries that went for Taft. The gentleman from Wyoming takes the pains to mention that here. There was no contest over them. Nobody is claiming that they ought to be taken away from Taft. Everybody has conceded that those counties ought to be given to him; but he repeated it over and over, "Oh, here was a primary away up there in the country that went for Taft."

But down in King County, in the same State—and I suppose they did not have a different law in one part of Washington from what they had in another—there was a primary that Roosevelt carried. I wanted to ask the gentleman, but he would not permit an interruption, whether anybody has ever made any charge before his committee or elsewhere that there was one single fraud committed in that primary? The newspapers of Washington had no record of it afterwards.

The gentleman says that anybody might have gone in there and voted at that primary, that anybody could have voted and there would have been no law to punish him. The same thing is true in all of the other primaries that went for Taft, but they were virtuous. On the other hand, nobody has ever claimed that any illegal vote was cast there, and the gentleman from Wyoming [Mr. MONDELL] did not even claim it. It is conceded by both sides that if King County, in Washington, were given to the Roosevelt delegates, then they had a large majority in the State convention. But I am going to demonstrate to you that even if you give King County to the Taft delegates, there are three other counties that are just as meritorious, if not more so, than the King County proposition, and every one of them had to be given to Taft to save Roosevelt from having control of that convention.

WASHINGTON.

In the Washington State convention there were 668 delegates. Half of that number would be 334, and a majority would be 335. There were in the State convention of Washington, and it is uncontroverted by the Taft people, 263 uncontested delegates for Roosevelt and 97 uncontested ones for Taft. There were two counties—Pierce and Clallam—in which contests were decided by the Taft State committee in favor of the Roosevelt delegates. These two counties had 69 delegates. These 69 delegates added to Roosevelt's 263 uncontested delegates gave him 332 delegates, just 3 delegates short of a majority. I am now going to consider the contested cases from four counties: Asotin County with 6 delegates, Chelan County with 10 delegates, Mason County with 8 delegates, and King County with 121 delegates. It will be observed that if Roosevelt was entitled to any one of these delegations, he would have had control of the Washington State convention, even though all the others had been given to Taft. I shall show, and I think conclusively, that the Roosevelt delegates in every one of these counties were honestly, lawfully, and fairly elected and entitled to seats in the convention. The State committee, however, unseated all of the Roosevelt delegates from these counties, and without any reason, and absolutely contrary to the evidence, seated the Taft delegates.

The call for the State convention permitted the county committees to select delegates themselves if they wanted to, and it permitted them to call a convention to select delegates, or to call a primary for the selection of delegates. Any one of those methods was allowable and legal, and all were pursued in different parts of the State. Some of the delegates were selected by a committee, in some instances for Taft, and in some instances for Roosevelt. Some were selected at conventions and some at primaries. Both sides agree that any one of these three methods, if agreed upon by the county committee, would be lawful under the call and under the laws of the State of Washington.

ASOTIN COUNTY.

In Asotin County, pursuant to a call, a county convention was held and 6 Roosevelt delegates elected. The county committee consisted of 11—1 from each precinct. Three members of this committee, without any call or notice, together with 2

other persons not pretending to be members and not even pretending to hold proxies, appointed the 6 Taft delegates that were illegally given seats in the State convention.

CHELAN COUNTY.

In Chelan County, where they had 10 delegates, a convention was called in the regular way, and nobody disputed it. They met in convention and elected a temporary chairman. There were 55 delegates in the convention. There were three contests from three precincts. The temporary organization was formed and a committee on credentials was appointed. This meeting was in the forenoon, and it was participated in by Roosevelt men and Taft men. They adjourned until 1 o'clock to let the credentials committee report on those contests. After they had adjourned, and during this recess, a minority of the convention met secretly in a room and selected delegates to the State convention and instructed them for Taft. At 1 o'clock, the hour of reconvening, the convention again assembled. The report of the committee on credentials was heard. It was acted on in the convention. They elected delegates to the State convention and instructed them for Roosevelt. The Taft State committee seated the Taft delegation. They had to, because if they had not it would have given a majority in the State convention, according to their own figures, to the Roosevelt delegates.

MASON COUNTY.

In Mason County there are 21 precincts. No county convention was held, but there were two delegations, one for Taft and one for Roosevelt. The county committee consisted of 21 members, 1 from each precinct. At a meeting of this committee, at which 11 members were present, a delegation to the State convention was elected and instructed for Roosevelt. The Taft contesting delegation was selected by two members of the county committee without any call or notice of meeting. The State committee seated the Taft delegation, because it was absolutely necessary to do so in order to control the convention for Taft.

Any one of those counties, if decided properly, would have changed the result in the Washington convention, according to the figures of the Taft people themselves.

KING COUNTY.

Now we come to King County. That is the county where Seattle is located. The gentleman from Wyoming had a great deal to say about the soap-box primaries there, and one of the arguments he uses is that in the same primary there were Democrats selected. That is, the Democrats held a primary at the same time and elected their delegates, and they were contested, and the Democratic convention threw them out. That only illustrates what I have so often contended here and elsewhere, namely, that the Democratic machine and the Republican machine are one and the same. They are oiled from the same oil can; they drink out of the same canteen. But if it is a good thing to follow Democratic precedents, then why does not the gentleman from Wyoming follow it in California? A Republican committee threw out California, but the Democratic committee did not. The gentleman from Wyoming has much to say in favor of Democracy. In fact, the action of those committees in Chicago was all in favor of Democratic success. They have done more to bring about the possibility of Democratic victory than the Democratic Party ever did or ever was competent to do. The gentleman from Wyoming compares the Republicans of Pennsylvania with the Democrats of Missouri, and he shows in the comparison how much better the Democrats of Missouri are than the Republicans of Pennsylvania. There was unanimity between the Taft Republicans and the Democrats that has been noticeable. In this House, when the Republican convention was on in Chicago, and the committees were stealing a whole lot of votes, no one on earth felt better about it than did the Democrats in this body.

In the confidence of the cloakroom they would speak out their feelings, and it was always one way. There is a unison between the Taft Republicans and the Democrats. I think it is conceded, confidentially at least by all Republicans, that Taft can not possibly be elected and that his running on a trumped-up nomination can only result in Democratic votes for the Democratic candidate. [Applause on the Democratic side.] And I congratulate those Republicans who have so often condemned me and others because I have associated with Democrats that at last they are and have been doing from the very beginning just exactly what the Democrats want them to do. The Taft Republicans and the machine Democrats are together. They are "two souls with but a single thought; two hearts that beat as one." They are all working for Democratic success. But, Mr. Chairman, to return to King County.

Mr. HARDY. Will the gentleman permit an interruption?

Mr. NORRIS. Yes.

Mr. HARDY. Would it not be more plausible instead of believing Taft Republicans and Democrats were working together that the Democrats should believe in the old maxim that when thieves fall out and fight honest men will get their dues? [Applause on the Democratic side.]

Mr. NORRIS. Well, the Democrats who confidentially told what they thought in the cloakrooms of this House did not state that. They were shivering in their boots for fear Taft would not be nominated and they were trembling in their shoes for fear Roosevelt would. The facts are, when the Democratic convention met at Baltimore the man you selected as temporary chairman and who was supposed to make the keynote speech devoted all of his time to an attack on Roosevelt and paid no attention to Taft. [Applause on the Republican side.] There is another evidence of this fusion and unison. Everybody knows the fight is between Roosevelt and Wilson. Let us now return to King County. Now, King County was entitled to 121 votes—121 delegates. The city of Seattle, on account of a large increase in population and according to the law of that State, had to be redistricted, and in the redistricting there were 131 voting precincts added.

There were in round numbers something like 250 members of that county committee at the time; and the chairman, according to the custom, that has had no exception as far as I know, filled these vacancies by appointment. The committee met under the call of the State convention. I have never heard, and the gentleman from Wyoming did not seriously contend, that the chairman did not have the right to fill those vacancies. So the committee met and determined to have a primary, and they called it. No one denies but what under the call of the State committee they had the right to call the primary; and in that primary 6,900 Republican votes were cast. Taft got about 500 and Roosevelt got most of the balance—practically all the balance. Now, they state this is an illegal primary. Let us see what the contrary is. The majority of this committee authorized a call of the primary. They had authority to do it under the call from the State committee. How did the Taft delegates get a showing? Let me tell you. In the campaign preceding—the year before—there was an executive committee having charge of the campaign. At this meeting of the central committee, where this primary was called, a resolution was passed doing away with that executive committee. Its functions were performed; it had no further authority anyway, even if they had not passed that resolution; but they passed the resolution discharging the committee. What happened? When they called this primary 14 men out of these 22 members of that old committee got together without any notice, without any publicity, and without any authority, and selected 121 men to go to the Republican State convention, and that is the authority of the so-called Taft delegation which went from King County. Now, let us see. Suppose you say that the primary was illegal. There is no legality in 14 men selecting a delegation. They had no more authority to select those delegates than I had. It was absolutely a nullity. I do not think and I do not believe any reasonable man can reach the conclusion that the so-called Roosevelt delegates selected at the primary were illegal; but even if you believe that, you must admit that the Taft delegates were illegal.

Which one then in justice should be recognized, one selected at a primary open and above board against which no man has said there was anything illegal or wrong or dishonorable, where the Republicans could come out and vote, and about 8,000 of them did come out and vote, or to recognize a delegation of 121 men, selected by 14 men, who simply took it upon themselves to do it, and who had no authority whatever.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. NORRIS. I yield.

Mr. HUMPHREY of Washington. In regard to King County and Whatcom County——

Mr. NORRIS. I simply yielded for the gentleman to ask a question.

Mr. HUMPHREY of Washington. It will be but a question.

Mr. NORRIS. I do not want to take up two and a half hours, but I am perfectly willing to yield for a question.

Mr. HUMPHREY of Washington. I will make it a question, and I will make it short. King and Whatcom Counties are two of the largest counties in my district. You contend that the primary should have been held in King County; why was it contested in Whatcom County?

Mr. NORRIS. I did not contest it——

Mr. HUMPHREY of Washington. Roosevelt men did.

Mr. NORRIS. I can not help that. I am not here defending anything that is wrong because it was done by Roosevelt men any quicker than I will fight it when it is done by Taft men. [Applause on the Republican side.]

Mr. HUMPHREY of Washington. In Whatcom County they held the primary by agreement——

Mr. NORRIS. Yes.

Mr. HUMPHREY of Washington. And the Roosevelt people were defeated, and two or three weeks after they convened——

Mr. NORRIS. And the contest was dismissed; they never got the vote, and Taft did, and properly so. [Applause on the Republican side.]

Mr. COOPER. The gentleman from Washington did not state that.

Mr. HUMPHREY of Washington. They met by agreement, and the Roosevelt people refused——

Mr. NORRIS. And contested it, and they went to the committee and the committee turned the Roosevelt people down; and I am not objecting to it.

Mr. HUMPHREY of Washington. It was the Taft people who turned them down.

Mr. NORRIS. Of course it was, and they did right. That is a case where they did right. They stumble on that once in awhile, but not often. When the Roosevelt men institute a contest that is wrong they ought to be defeated. In the cases the gentleman mentions the Taft delegates won. They were given the seats, and I am not complaining, and as far as I know no one else is finding fault.

They say, "Why, here is a contest down in Louisiana; it had nothing back of it, nothing to give it any foundation, and we decided it against Roosevelt. And," they say, "even the Roosevelt men on the committee voted to decide it against Roosevelt." That is commendable of them. They were honest. They were not there to steal. They were there to do right. But the argument of those who defend the robbery at Chicago is that because they found a contest instituted by Roosevelt men to be without merit, therefore they were justified in deciding all contests against the Roosevelt delegates, without regard to merit.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. NORRIS. I would like to finish up this question first.

Mr. HUMPHREY of Washington. I would like to ask the question whether he thinks the argument of the gentleman from Wyoming [Mr. MONDELL] was any more unfair than to quote some man as being high authority——

Mr. NORRIS. I will not go over that now.

Mr. HUMPHREY of Washington. Let me finish my question.

Mr. NORRIS. I know what the gentleman is going to say, and I have admitted to the gentleman that his criticism is just. I know it is; I acknowledge it. I would be as glad as the gentleman would be if I could give the name of every authority I have cited——

Mr. HUMPHREY of Washington. You already have it, saying that he was an honest man, that you could not mention it because he did not want it known, and that he was supporting Taft because he wanted to get into office.

Mr. NORRIS. If everybody who is supporting Taft because he either has or expects to get an office is dishonest, then Taft's honest supporters will be reduced so that you can number them on the fingers of your hand.

Mr. HUMPHREY of Washington. Yet you quote them to support your case.

Mr. NORRIS. The gentleman can ask me a question, but do not make an argument.

Mr. HUMPHREY of Washington. If I can ask a question without having any more noise about it than necessary, I would ask you if you did not quote here as evidence——

Mr. NORRIS. I know what the gentleman is going to say, and I have been over it and I have stated it repeatedly. Now, the gentleman ought to be courteous enough to let me go on. I know what the gentleman is going to say——

Mr. HUMPHREY of Washington. You know what I am going to say, and that is the reason you do not want me to ask it.

Mr. NORRIS. The gentleman has already asked it once, and I have gone over it and explained my position.

Mr. HUMPHREY of Washington. You have not permitted me to ask it yet, and the reason is that you know what I am going to ask. It is 120 miles away——

Mr. NORRIS. Mr. Chairman, I would say to the gentleman from Washington, if I am interrupting him——

Mr. HUMPHREY of Washington. I am not interrupting the gentleman.

Mr. NORRIS. The gentleman is talking aloud here. If I annoy him, I apologize for it.

Mr. HUMPHREY of Washington. The gentleman need not get disturbed.

Mr. NORRIS. I am not disturbed. I wanted to give the gentleman a free rein if he wanted it.

Mr. PROUTY. Mr. Chairman, I rise for order. I want to hear this discussion, and can not hear two of them at once.

The CHAIRMAN. The point is well taken. The gentleman from Washington [Mr. HUMPHREY] is clearly out of order.

Mr. HUMPHREY of Washington. If the gentleman from Nebraska will keep still——

Mr. NORRIS. I am not going to keep still. I have taken the floor for the purpose of doing otherwise. That is my privilege.

Now, then, I was asking the question, I believe, what would be a fair-minded man's duty with these two propositions, one delegation selected at a primary where 7,000 Republicans participated, and there were 6,500 votes for one set of delegates, and another delegate was selected in secret by 14 men without any authority? That is the case of King County.

Mr. MANN. Will the gentleman yield for a question?

Mr. NORRIS. Yes, sir.

Mr. MANN. Is there any great distinction in theory between 14 men selecting 121 delegates and 1 man selecting 131 and permitting them to call a primary?

Mr. NORRIS. It depends altogether on the authority of the 1 and the authority of the 14. If the 1 had the authority, his action is right.

If the 1 man had authority to do what he did—and in this case I do not believe anybody seriously questions it—then his action was legal. If the 14 men selected delegates and had no authority whatever to do it, then the delegates they selected had no title whatever; the action was entirely illegal. This, it is true, is a technical view of the situation; but, be as technical as you will, you can not find any excuse or any authority for the selection of the Taft delegation of 121 men from King County. But for a moment let us lay aside technicalities and take a broad view of the situation. The question of authority is important, but what did the people who were given authority do after they received it? Suppose the appointments by the chairman to fill these 121 vacancies be considered absolutely illegal. After this appointment by the chairman gave to these precinct committeemen their power, what did they do with it? They turned it all back to the rank and file of the Republican Party. They, in connection with the old members of the committee, called a primary, so if any power had been given to them illegally their first official act was to surrender it back to the party. It seems to me the most technical man could not complain, and even if you honestly believe that the chairman had no right to fill these vacancies it must nevertheless be admitted that the filling of them by the chairman resulted in nothing further than to give the people belonging to the Republican Party an opportunity to control that party. If these men were given power wrongfully, it must at least be said in their defense that they did not abuse, they did not even use it; they surrendered it all back, giving every Republican of King County an opportunity to be heard and to have his influence felt in the contest.

On the other hand, what can be said of these 14 men? They were members of a committee of 22 who had charge of the campaign the year before. Their duties were fulfilled; their functions had been performed; they had nothing further to do. Even though no resolution had been passed discharging them, they would have had no power to select a delegation to the State convention, but before they ever attempted to exercise such a function or to pick delegates the committee passed a resolution formally discharging them. Notwithstanding this, 14 men, who in the year preceding had constituted part of the committee to manage the campaign, got together in secret and selected 121 delegates from King County to the State convention. Here was an exercise of power by men who had no authority. Contrast their action with the action of the committee in calling the primary. They took away from the people all power and assumed it all unto themselves. They were opposed to giving the Republicans of King County an opportunity to select delegates to the State convention. Of course their real reason was that they knew in a primary Taft delegates would be defeated. They assumed that they knew what was better for the Republicans of King County than the Republicans did themselves, and so with their superior wisdom, without a vestige of authority, without any reason or without any right, they relieved the Republicans of King County of all responsibility and selected 121 delegates.

The Taft delegation from King County was seated by the State committee. As I have already shown, Roosevelt only lacked three votes of a majority of the State convention, as shown by the figures of the Taft fellows themselves, so it was necessary that this entire delegation, in the words of the Texas manager, should be "captured." The gentleman from Wyoming has criticized this primary because there was not a larger vote cast. He makes the statement that there were 75,000 Republican voters in King County. The gentleman is, of course, mistaken in this assertion, badly mistaken. The official records

of the State of Washington show that at the last congressional election the Republican candidate for Congress, the gentleman from Washington [Mr. HUMPHREY] received in King County 16,082 votes. In round numbers there was actually cast at this primary 8,000 Republican votes. This is not a bad showing, and demonstrates, I think, that a reasonably large percentage of the Republican vote was cast at that primary. At least, it seems to me fair to say that, waiving all technicalities and all other considerations, it would be better to let 8,000 Republicans of King County select a delegation to represent them than it would be to let 14 men, meeting in secret, do the selecting.

In the last congressional election the official records show that in the whole State of Washington there were only 79,003 votes for the Republican candidates, only a few more than the gentleman from Wyoming claims for King County alone. There is another important piece of evidence that will have a bearing on the size of the primary vote in King County. I understand the gentleman from Washington [Mr. HUMPHREY], the Republican member of this House, who represents the district in which King County is located, was nominated the last time he ran for Congress at a primary, and it is interesting to note that the first-choice vote by which the gentleman carried King County was 9,588, practically the same Republican vote that was cast in this despised primary that elected Roosevelt delegates to the State convention. Surely the gentleman from Wyoming would not ask our colleague from Washington to resign because he was nominated at a primary where there were so few votes cast. Surely he would not go so far as to even hint at the legality of the title to his seat here because in his own home county these 75,000 Republicans that the gentleman from Wyoming says live there forgot to come out and vote at the primaries.

Later on, in my remarks in connection with my discussion of the power of patronage, I will have something further to say in regard to the State convention of Washington, and will show how the trick was done and by whom it was performed.

CALIFORNIA.

Now, Mr. Chairman, there were two delegates from California that were stolen. The State of California through her legislature passed a State-wide primary law, a law providing for a primary for the election of delegates to the national conventions. That law provided that these delegates should be elected in the State at large. The law went into effect, and the Republican Party—both factions of it, all factions of it—and the Democratic Party and all factions of that accepted its provisions.

Not only was this law acted upon and respected and accepted by all factions, but Mr. Taft himself signed and filed with the secretary of state of California an official document that gave him the benefits of this law in the California contest. The law had a provision in it by which any candidate for President could file with the secretary of state his accepted list of delegates favorable to his candidacy, so as to give him the benefit of having his delegates printed on the ballot in a group and also to give his supporters in the State his official statement as to the delegates that he desired elected from the State to the national convention. Mr. Taft went into the contest and filed with the secretary of state of California his indorsement of 26 men whom he desired elected under that law as delegates to the Chicago convention. I have a certified copy of this document and it reads as follows:

THE WHITE HOUSE,
Washington, D. C., March 26, 1912.

CHAS. M. HAMMOND, *San Francisco, Cal.:*

I indorse your selection of the following 26 candidates for delegates to the national convention:

(Here follow the names of the 26 Taft delegates.)

WM. H. TAFT.

Filed in the office of the secretary of state the 26th day of March, 1912, at 9 o'clock a. m.

FRANK C. JORDAN,
Secretary of State.

After going into this California contest and atfer Mr. Taft had specifically, over his own signature, accepted the benefits of the law, it seems to me that it comes with poor grace, after he had been defeated by an overwhelming majority, for anyone in his behalf to set up the flimsy excuse that the law of California should not be respected because it conflicted with a rule of the national committee. If it was the intention of the Taft men to make this contention, it would rather seem to me, in all honor and honesty, they ought to have made it before they went into the contest under the law and tried to get the delegation through the law. Mr. Taft is a lawyer of sufficient ability to know that from the beginning of civilization, his conduct in the contest in California would certainly have estopped him, or anyone in his behalf, from trying to nullify the State statute after he had been defeated in the contest and after he had accepted the provisions of the statute. It is a pitiable spectacle and not a very bright one to place before the rising generation to have the President of the United States go into a contest of this kind and specifically accept a law and then, after he is defeated, to see his supporters openly and defiantly nullify this law and setting up a rule of a political committee as a defense of their action. The case of the bosses at Chicago must have been desperate indeed if, in addition to going so far as to nullify the laws of a sovereign State, they should also put their own candidate for whose benefit they were perpetrating the robbery in such an unenviable and undesirable position before the American people.

The reasoning of the men who would follow the action taken at Chicago in nullifying the laws of the State of California would lead us to the greatest of absurdities. Suppose one of our States, Iowa for instance, decided to enact a presidential primary law. No one denies but what Iowa ought to have the right to do it. There is no inhibition in the United States Constitution to such action. All men of progressive ideas admit that every State ought to have such a law, but, disregarding the merits of the case, all men ought to be willing to admit that Iowa should be permitted to make whatever law she desired on the subject.

If the reasoning of the Taft people in Chicago is correct, the lawmakers of the Iowa Legislature, before they enacted their statute, would have to make an examination of the rules and regulations of the Republican committee and see that their proposed primary law would not conflict with the rules of this committee—a committee entirely outside of any law, a committee that is not governed by any law. And so the citizens of Iowa, before they could enact a law that would be workable and entitle their delegates to admission to a national convention, would have to consult the edicts and the rules of this committee. Suppose they did this and enacted their law in accordance with the national committee's rules, what assurance have the people of Iowa that, even before their law can go into effect, the national committee will not meet and pass other rules and regulations that would nullify their law. The national committee, controlled as it has been controlled in the past by the political machine, being opposed to the election of delegates by primaries, because in that way it takes away their power, would be able to nullify any and every law that any or every sovereign State of the Union might pass. What a spectacle it would be for the governor or a committee of the legislators from Iowa to go to Chicago or to Boston or to New York to consult the political bosses and find out from them whether they had in contemplation any change in the rules of the national committee in order that the sovereign State of Iowa might be assured that these self-constituted political bosses would not nullify and abrogate any law that Iowa might pass.

Mr. KENT. Mr. Chairman, will the gentleman yield?

Mr. NORRIS. I do.

Mr. KENT. I would like to ask the gentleman if he is aware of the fact that at the time this law was passed the Republican organization of California was hostile to President Taft and had absolute authority to elect all delegates hostile to him?

Mr. NORRIS. Yes; I am aware of that fact. I myself, when that question was up in California, wired to some of the officials there, knowing that the progressives there had advocated a primary for delegates to the convention, and that they had obtained complete control of the Republican machinery, and under the law of California as then constituted they could have selected the delegates absolutely. They had it secure, and some people thought they ought to give the machine a dose of its own medicine and select delegates in that way. I urged them to pass a presidential primary law. The progressive Republicans of California, in control of the legislature, and, notwithstanding the fact that they also had control of the Republican machinery and could have named every delegate to the Republican convention, passed a State-wide primary providing that the delegates should be elected by the people of the whole State. The Roosevelt delegates were elected by about 77,000 plurality over the Taft men. Nobody disputes that. Each of the delegates received a certificate of election and went to Chicago. But when they came to Chicago the national committee threw out two of those men and put in two Taft men.

It is claimed in the speech of the gentleman from Wyoming [Mr. MONDELL] that this law of California conflicted with the order and the rule of the national Republican committee. Have we come to the position where any national committee, without any law to control it, without any power or anybody to control it, can pass rules that shall nullify the laws of sovereign States? Then it is time that we should know it.

Well, let us see what happened. They put on two Taft men in place of the two Roosevelt men that they took off. By what right did they put them on? Nobody had contested their seats.

Nobody had called any other primary or convention in any district or had made any protest whatever. No convention, no committee, nobody, had done anything in California to question the legality of every one of these 26 delegates who were elected by 77,000 plurality.

It is said, "Why, the whole State might have been thrown out." The facts are, Mr. Chairman, that this national committee wanted to establish a precedent by which it could nullify a State statute. If it is right and that precedent must stand, then in four years from now that self-perpetuating machine, the national committee, can nullify any law or statute passed in any of the States. It can, with the same authority and the same power, nullify the primary law in my State, which provides that delegates shall be elected by districts, and not in the State as a whole, as was done in the State of California. They can, the next time, make a rule that the only electors elected by a primary that can sit in a convention shall be those that are elected as they elect them now in California. The real purpose there is to make this machine self-perpetuating. They have robbed the Republican Party of their expression and their right to control the national convention now. They were only preparing, when they stole the two delegates from California, to commit the same crime again four years from now, and to establish a precedent for it.

Why, the gentleman from Wyoming said they could have taken the whole State. True enough; they might. They were all powerful. I could, on the same theory of the gentleman from Wyoming, and those who follow that theory, if I am arrested for stealing horses and I am brought to trial, offer as a defense that the barn out of which I stole the horse contained two horses and I stole only one; and on their theory I will not only be entitled to a verdict of not guilty for larceny, but I will be entitled to a legal title to the horse that I did steal. [Laughter and applause.]

TEXAS.

Now, I am going to take up the contests from the State of Texas. The State of Texas is a southern State, and the argument of the gentleman from Wyoming [Mr. MONDELL] in favor of the Taft delegates from Texas is rather amusing. He shows that Federal officeholders down in Texas were overriding the Taft fellows and controlling conventions. Maybe it is true; but what is sauce for the goose ought to be sauce for the gander. If you will take away from Taft the delegates that came to him from the States where I believe they were absolutely stolen, and those from the South that came to him by virtue of patronage alone, he would not have a handful of delegates left. Everybody knows it. [Applause.]

In the State of Texas there was an open contest between the Taft followers and the Roosevelt followers which the entire country watched with considerable interest. Texas was the one southern State where the national committeeman of the State was opposing the administration and supporting Roosevelt. In that State practically all of the contests were brought by the Taft people. The State convention was controlled by the Roosevelt followers, and nearly every congressional district convention was controlled in the same way. The regularity that the gentleman from Wyoming claims on behalf of all the Taft delegates from the South is lacking in the State of Texas. As I said, the whole country watched the contest, and it was generally understood throughout the United States at the time that the Roosevelt men were successful. It did not dawn on the public mind for some time afterwards that the Taft people were industriously working up contest cases and making a determined effort to steal the delegation at Chicago. The man who had charge of the Taft campaign in Texas was H. F. MacGregor, and it must be said to the credit of Mr. MacGregor that he conducted his fight in a very open-handed way. He made no secret of the fact that those who were faithful and helped in the Taft cause should be rewarded in the way of patronage. He had two able lieutenants in his fight. One was a man by the name of W. B. Brush, of Austin, Tex., and the other was James W. A. Clark, of Corsicana. They issued definite instructions in writing to the Taft followers. They deliberately started out with a conspiracy to contest every convention that they could not capture. They tried to browbeat public officials and gave everybody to understand that those who were faithful would be rewarded and that those who supported Roosevelt would be punished. Later on in my remarks, when I intend to discuss at more length the question and the evils of patronage, I shall refer again to these men and read portions of their published correspondence.

It is sufficient to say at present that these subordinates were instructed by the Taft managers to contest every delegation that they could not control and to bolt wherever they were in the minority and elect a contesting delegation. In one of the letters the boss, in giving his instructions, used this language: "Capture if you can, but do not be captured." As will be seen in the examination of the evidence in the various districts of Texas, these instructions were carried out to the letter. Wherever the Taft fellows could not control the convention they always bolted; they always elected contesting delegations, and in Chicago these contesting delegations were always seated. Very seldom did they even attempt to give a reason for their bolt. Through all the contests of Texas very little, if any, evidence will be found of any irregularity on the part of the Roosevelt delegates, and in no case where a contesting Taft delegation was seated will there be found any evidence of regularity or legality of the Taft delegations.

Notwithstanding these methods, the State convention of Texas was controlled by an overwhelming majority in favor of Roosevelt, and most of the congressional district conventions were controlled in the same way. Texas was entitled to eight delegates from the State at large. The State of Texas has a law providing for the holding of the State convention, and the Republican State convention was called pursuant to that statute. Texas has 249 counties within its boundaries. There were delegates to the State convention from 208 of these counties. The original credentials of the delegates in these 208 counties were introduced before the credentials committee at Chicago, and no one, as far as I know, has denied or disputed their legality or validity. In the other 41 counties there were no conventions or primaries held and no representation from them either for Roosevelt or for Taft.

In the entire State there were contests in the State convention from 17 counties. The regular State committee, composed of both Roosevelt and Taft men, and by a unanimous vote, referred these contests to four subcommittees, and on each one of these four subcommittees were both Roosevelt and Taft representatives. After hearing the contests the subcommittees reported to the full committee the result of their investigations. The report of three of these subcommittees was unanimous and was approved by the full committee. In the other subcommittee there was a minority report filed by a Taft member, in which he differed from the Roosevelt members of the committee on only two counties, so that, as far as the State committee was concerned, there was a unanimous conclusion reached by both Taft and Roosevelt men on all the contests except from these two counties. Of the 17 counties contested, Taft delegates were seated from 4 counties and one-half of the Taft delegation from 4 counties, and the Roosevelt delegations were seated from 9 counties. The action of these subcommittees was approved by the whole committee by a vote of 28 to 2, and included in the 28 were 3 Taft members. The other 2 members gave notice that they would present a minority report to the convention as to these two counties, but, as a matter of fact, there was no evidence anywhere to show that any such minority report was ever presented. The report of this committee was unanimously adopted and approved by the State convention when it convened. In the entire State there were 27 counties that instructed for Taft, and 13 of these 27 counties remained in and took part in the State convention. The convention elected delegates and instructed them for Roosevelt by a majority of more than 10 to 1. No one anywhere at any time has questioned the regularity either prior to or during the State convention. There was no evidence whatever offered before the national committee or the committee on credentials that could possibly be construed to give any legality to the Taft delegation from Texas.

The Taft delegation was selected at a meeting that had no authority whatever. It did not even pretend to have any semblance of regularity. There could not have been present delegates from to exceed 14 counties. The meeting was held without any notice, without any call; in fact, it was a secret meeting. There was no roll call, no pretense at organization in the way of appointing a committee on credentials or otherwise, and no credentials were presented. No call of the counties was had.

Notwithstanding this, the Taft delegates from Texas were seated and the legally elected Roosevelt delegates were thrown out. In most of the congressional districts from Texas the work of the national committee and the credentials committee was as flagrant and unfair as it was in regard to the delegates from the State convention.

FOURTH DISTRICT OF TEXAS.

The fourth district affords a remarkable exhibition of the determination of the Taft managers to either rule or ruin. There are five counties in this district. There were contests presented from two precincts in two different counties, one from Collin and one from Grayson. The men presenting these contests had been denied admission in the county convention of the two counties mentioned. The convention was organized

in the regular way, at the time and place provided for in the call, and four out of five counties, with regularly and lawfully elected delegates, took part. Delegates to the national convention were elected and instructed for Roosevelt. The delegates from the county that did not take part, at a later time and at another place, together with the men presenting contests from the two precincts mentioned, held a convention and elected Taft delegates. The evidence in this case discloses that there was no claim of irregularity, excepting from these two precincts. No one has denied at any time but what the Roosevelt delegates were regularly and lawfully elected; that they held their county conventions and the district conventions according to law and at the time and place name in the call, which was regularly and lawfully issued. Of course, it was necessary in Chicago to give the Taft men a control of that convention that some legally elected delegates instructed for Roosevelt should be thrown out, and I presume they considered they might as well throw them out from this district as from any other, and so the steam roller crushed the life out of the Roosevelt delegates and these Taft delegates were seated, who had no more claim and no more right to seats in the national convention at Chicago than they did at Baltimore.

FIFTH DISTRICT.

The fifth congressional district of Texas is composed of five counties. There were contests from three out of the five counties. It should be observed that in this district the congressional committee was controlled by Taft men, and the committee thus controlled decided the contests in favor of the Roosevelt delegates. The convention then went ahead and elected delegates in the regular way and instructed them for Roosevelt. Ellis County was one of the counties in this district. The delegates from this county were instructed for Taft, but remained in the convention and participated in its action. Notwithstanding this, the delegates from this county, together with the Taft delegates from one other county that had been denied seats in the regular convention, met together and selected a set of Taft delegates, and the national committee and the credentials committee at Chicago, following their usual course, gave these illegally elected delegates seats in the convention.

SEVENTH DISTRICT.

The seventh congressional district of Texas comprises eight counties. Six out of the eight were carried by Roosevelt, and the Roosevelt delegates had an overwhelming majority in the district convention. Two conventions were held. The delegates from the six counties held a convention and selected Roosevelt delegates. No question was ever raised anywhere as to the regularity of the delegates from these six counties. No one, so far as I know, has ever denied that their election was even irregular in the minutest detail, but notwithstanding this, the delegates elected for Taft by the two counties composed of only a small minority of the delegation were seated in Chicago.

EIGHTH DISTRICT.

In the eighth district of Texas there are nine counties. Six of these counties were carried by Roosevelt men and the delegates from the other two counties were in favor of Taft. The Taft delegates from these two counties bolted from the regular convention and held a rump convention, but the delegates elected by them were seated in Chicago with the usual regularity. No one has ever questioned the regularity of the convention in this district that was controlled by Roosevelt delegates, and no one has ever given any reason why the Taft delegates bolted and held a separate convention, excepting that they were unable to control the convention, and, as I shall show later on from printed letters of the Taft managers in Texas, the action of the Taft delegates in this district convention, the same as their action in the other Texas district conventions, was taken according to the written instructions of the Taft managers.

NINTH DISTRICT.

In the ninth district there were two district conventions. One was called by the regular congressional district committee through its chairman. A large majority of the delegates took part in this convention. At this convention Roosevelt delegates were elected. The other convention, which elected Taft delegates, was called by a man who was chairman of one of the county committees. He had no authority either under law or any rule or regulation of the party. The convention which he called was participated in by a minority of the delegates. In this district it was known before either convention met that a large majority of the delegates to the convention were for Roosevelt, and the Taft delegates therefore refused to meet in convention with the Roosevelt fellows, and according to instructions from the Taft managers they saw that they could not "capture" and therefore obeyed the command and kept out of the regular convention so they could not "be captured."

TENTH DISTRICT.

The tenth district of Texas comprises eight counties. No one has denied or disputed the regularity or the legality of this convention. After the convention met, however, the delegates from two counties and a part of a third county under the leadership of a United States internal-revenue collector and the postmaster at Austin, bolted and held a rump convention. This rump convention elected two Taft delegates and, of course, the national committee and the committee on credentials put them on the roll at Chicago.

FOURTEENTH DISTRICT.

In the fourteenth congressional district of Texas there are 14 counties. The congressional convention was called by the congressional committee. In this convention there was but one contest. The contest was compromised, and both the Taft and the Roosevelt delegates were seated, giving to each delegate one-half of a vote. When the Taft delegates in this convention discovered that they were in a very small minority and that they could not "capture" the convention, they bolted. The delegates from three of the counties, one of which was the county that was contested, left the convention and elected Taft delegates. The regular convention performed its function in due form and elected Roosevelt delegates.

I have thus far considered 22 delegates from Texas. I have considered only those about which, in my judgment, there can be no possibility of a doubt. You must remember, as I explained yesterday in my remarks, that if it be shown that 19 of President Taft's delegates in Chicago held their seats illegally and fraudulently then his nomination must of necessity be illegal, null, and void. These cases that I have taken up, from Texas alone, are sufficient to nullify Mr. Taft's nomination.

FEDERAL PATRONAGE.

The gentleman from Wyoming goes on to say that postmasters and Federal officeholders down in Texas controlled conventions and selected delegates. He goes on to show that under the control of the national committeeman down there the Republican vote has been falling off for four years. Well, it has been falling off everywhere else for four years. [Laughter.] The gentlemen down in Texas who represent the Republican Party are handicapped by what is in the White House just the same as we are everywhere else in Republican circles. [Applause on the Democratic side.] Now, if it is good and sufficient reason to throw a delegate out because of Federal patronage, let us see where the gentleman from Wyoming [Mr. MONDELL] will land.

There were at the Chicago convention over 200 delegates from States controlled absolutely by patronage. The gentleman from Wyoming [Mr. MONDELL] reminds me of Polonius. Hamlet, you know, took him out and showed him a cloud in the sky, and he said, "Polonius, that cloud looks like a camel." Polonius said, "Yes, my lord; it does look like a camel." "Oh, no;" said Hamlet, "it looks like a weasel." "Sure," said Polonius, "come to look at it right, it does look like a weasel." "Oh, no;" said Hamlet, "it is an elephant." "Why, of course," said Polonius, "anybody can see that it is an elephant."

Mr. HENRY of Texas. It looked like a bull moose. [Laughter.]

Mr. NORRIS. It looks like a bull moose to all Democrats. The political boss takes my friend from Wyoming and shows him Texas. He says, "Here are the Roosevelt delegates down in Texas. They ought to be thrown out because postmasters helped to put them in," and the gentleman from Wyoming says, "Sure. Throw them out. We do not want any Federal patronage delegates in Chicago."

Then the boss takes him over to Mississippi and says, "Here is a delegation made up of Federal office holders and postmasters, all for Taft. They are all right." And the gentleman from Wyoming raises his hand to heaven and says, "Of course they are all right." [Laughter.] "They ought to stay." Then the boss takes my friend to Indianapolis and says: "Behold, here is one of the wonders of the campaign—a Taft delegation elected by a primary. We are for the people and this delegation must be seated." And the gentleman responds: "Wonderful discovery! Of course, they must be seated. The primary must be acknowledged." And then the boss takes my friend to King County, Wash., and to Maricopa County in Arizona, and he says: "Here are delegations for Roosevelt. They were elected by the despised primary methods. The primary must be killed." And my friend answers and says: "Sure the primary is an evil. It opens the door to fraud. These delegations are wicked and they must be thrown out."

Now, let us see about Mississippi. There are three or four men down in Mississippi who control the Republican Party. "Why," the gentleman from Wyoming says, "there were some counties in Texas where not a single Republican vote was cast." That is true, but those counties were not represented in that convention. He did not tell you that. He wanted you to think delegates were fixed up from those counties. They were not, however.

But there were places in the South where in the last election not a single Republican vote was cast in a Republican district, and those congressional districts were represented in Chicago by a couple of postmasters. He says that Col. Lyon, the national committeeman from Texas, helps the Democrats. I am not going to dispute it, because I know nothing about it. But over in Florida, where there were two delegates, enthusiastic Republicans for Taft, who went to Chicago with their expenses paid, I suppose, and return tickets in their pockets, who came from districts where not a single Republican vote had been cast. What did they do for the Democracy?

Well, Mr. Speaker, let us see. The Republican party in Mississippi is controlled by three men: L. B. Moseley, clerk of the court; W. O. Ligon, one of the United States marshals in one of the districts; and a man by the name of Fred. W. Collins.

Now, let us see about the delegates from Mississippi to Chicago.

L. B. Moseley, clerk of the Federal court, jury commissioner, United States commissioner.

M. J. Mulvihill, postmaster at Vicksburg, salary $3,100.

L. K. Atwood, ex-collector of internal revenue.

Then comes a private citizen. God bless him! How lonely he must have felt in that delegation. [Laughter.]

J. M. Shumperi, juror selector.

J. F. Butler, postmaster at Holly Springs, salary $2,200.

E. H. McKissack, juror selector.

Louis Waldauer, postmaster at Greenville, salary $2,800.

J. W. Bell, postmaster at Pontotoc, salary $1,500.

W. W. Phillips, professional juror.

W. J. Price, postmaster at Meridian, salary $3,200.

Then another juror.

J. C. Tyler, postmaster at Biloxi and solicitor of funds from Federal officeholders, salary $2,500.

W. P. Locker, janitor of Federal building, salary $900.

E. F. Brenner, postmaster at Brookhaven, salary $2,500.

C. R. Ligon, United States deputy marshal, and son of the marshal, salary $1,200.

Wesley Crayton, professional juror and jury selector.

What about this family that is controlling the Republican Party in Mississippi? I have read you the delegates to the Republican national convention of which the gentleman from Wyoming [Mr. MONDELL] is so proud that there were delegates there not controlled by Federal patronage.

L. B. Moseley is the clerk of the Federal court. W. R. Moseley, a brother, is the collector of the port at Gulfport, Miss., with a salary of $3,000 per annum. R. O. Edwards is a foster brother and cousin and is postmaster in Jackson, with a salary of $3,300. Mrs. R. O. Edwards is assistant postmaster in Jackson, with a salary of $1,600. Thomas W. McAlpin is a brother-in-law, and he has a contract for carrying the mail. Miss Suzette McAlpin is a sister of Thomas McAlpin and is postmistress at Bolton, with a salary of $940. Frank L. Rattliff, another cousin, is a postmaster at Shaw, and he has a salary of $1,400. Then let us take up the Ligon family: W. O. Ligon is the United States marshal and he has a salary of $3,000 from the Federal Treasury. His son, C. R. Ligon, is a deputy United States marshal and gets a salary of $1,200. Jennie D. Ligon, the wife of W. O. Ligon, is postmistress at Gloster and has a salary of $1,500, Then there is Percy Ligon, W. O.'s son, who is assistant postmaster at Gloster, with a salary of $590.

Let us now take the other part of the trio, the Collins family: Fred W. Collins is United States marshal, with a salary of $3,000. W. A. Collins is a son of Fred and is postmaster at Hattiesburg, with a salary of $3,000. Seth W. Collins is an uncle to Walter and is postmaster at McComb City, at a salary of $2,300. Then there is J. N. Attkison, brother-in-law to Walter, who is postmaster at Summit, with a salary of $1,500. Walter Collins, son of Fred, also has a brother-in-law who is the postmaster at Tylertown, and he gets a salary of $1,500. F. W. Collins, jr., son of Fred, is deputy United States marshal and gets a salary of $1,200.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. NORRIS. Mr. Chairman, I would like to get a few minutes longer.

Mr. BURLESON. How much more time does the gentleman want?

Mr. NORRIS. Fifteen minutes.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 15 minutes.

The CHAIRMAN. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, I would like very much to accommodate the gentleman from Nebraska, but we have a very important caucus called here for this evening. If the gentleman can get through in a few minutes, I shall not object to his request.

Mr. MANN. Mr. Chairman, would the gentleman prefer to go ahead for a few minutes to-night or to ask unanimous consent to proceed to-morrow?

Mr. NORRIS. Mr. Chairman, I would like to finish what I have to say to-night. Of course I recognize the fact that the gentleman from Wyoming consumed two hours and a half, but it is getting late, and I shall not find fault.

Mr. MANN. Of course the gentleman understands that objection comes from the Democratic side.

Mr. NORRIS. Certainly; I understand. If the gentleman desires to go on with the caucus, I will ask unanimous consent that immediately after the reading of the Journal to-morrow I be allowed 30 minutes.

Mr. JAMES. Time to conclude the gentleman's remarks.

Mr. UNDERWOOD. I have no objection to the gentleman going on to-morrow, but this evening there is business set apart.

Mr. NORRIS. I understand, and I am not finding fault.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAGE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18787, relating to the limitation of daily hours of labor on public works, etc., and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent that to-morrow, immediately after the reading of the Journal, I may be allowed to conclude the remarks which I began to-day.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that to-morrow, immediately after the reading of the Journal, he be permitted to conclude his remarks.

Mr. ALEXANDER. Mr. Speaker, I desire the gentleman to indicate some time.

Mr. NORRIS. I do not believe I shall take more than 30 minutes.

Mr. ALEXANDER. Then, say one hour.

Mr. NORRIS. Very well, Mr. Speaker, one hour.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House to-morrow for one hour, if he so desires, immediately after the reading of the Journal. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE TO PRINT.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon a bill reported from the Committee on the Public Lands affecting certain lands in my district.

The SPEAKER. Is there objection?

There was no objection.

Mr. AKIN of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Osage Indian bill.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous censent, leave of absence was granted as follows:

To Mr. EDWARDS, indefinitely, on account of illness in his family.

To Mr. GARNER, indefinitely, on account of important business.

ADJOURNMENT.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Thursday, July 25, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of War submitting estimate of appropriation

for mileage to officers and contract surgeons, etc., in connection with the relief of sufferers from floods in the Mississippi and Ohio Valleys (H. Doc. No. 879), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 8151) providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road and of conflicting claims to lands within the limits of said grant, reported the same with amendment, accompanied by a report (No. 1054), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GUDGER, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5494) to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people, reported the same with amendment, accompanied by a report (No. 1055), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 25611) to authorize the sale of certain lots in the Hot Springs Reservation for church and hospital purposes, reported the same without amendment, accompanied by a report (No. 1056), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 5679) to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910, reported the same with amendment, accompanied by a report (No. 1057), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEFLIN, from the Committee on Agriculture, to which was referred the joint resolution (H. J. Res. 340) making appropriation to be used in exterminating the army worm, reported the same with amendment, accompanied by a report (No. 1058), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 16997) for the relief of William Bell, reported the same without amendment, accompanied by a report (No. 1053), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROBINSON: A bill (H. R. 25935) to amend an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Cal., to the city of Los Angeles, Cal.," approved June 30, 1906; to the Committee on the Public Lands.

By Mr. MOTT: A bill (H. R. 25936) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. REDFIELD: A bill (H. R. 25937) making the first Monday in September (Labor Day) a legal holiday; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 341) concerning contracts with Indian tribes or individual Indians; to the Committee on Indian Affairs.

By Mr. FOSS: Joint resolution (H. J. Res. 342) to adopt a national air for the United States of America; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKMON (by request): A bill (H. R. 25938) for the relief of Frances C. Hoffman; to the Committee on Claims.

By Mr. CLAYPOOL: A bill (H. R. 25939) granting an increase of pension to William T. Mills; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 25940) granting an increase of pension to C. W. Goff; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 25941) granting a pension to Rebecca Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25942) to correct the military record of Wilson Rice; to the Committee on Invalid Pensions.

By Mr. GEORGE: A bill (H. R. 25943) granting an increase of pension to Emma C. Crossman; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 25944) granting an increase of pension to John W. Riley; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 25945) to remove the charge of desertion from the military record of James W. Miller; to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 25946) for the relief of Ephram Combs; to the Committee on Military Affairs.

By Mr. SHARP: A bill (H. R. 25947) granting a pension to Juliette Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25948) granting a pension to Barbara Scisinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25949) granting an increase of pension to Hiram A. Knapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25950) granting an increase of pension to William D. Crawford; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 25951) granting an increase of pension to Andrew W. Sponsler; to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 25952) granting a pension to Susan A. Taylor; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 25953) granting a pension to Franklin D. Green; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 25954) granting a pension to Daniel B. Jones; to the Committee on Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 25955) granting an increase of pension to Richard Riddles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25956) granting an increase of pension to Julius Weddigen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25957) granting an increase of pension to S. L. Hotchkiss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25958) granting an increase of pension to Alfred Stead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25959) granting an increase of pension to Isiah White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25960) granting an increase of pension to Benjamin F. Crandall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25961) granting an increase of pension to Edwin C. Manning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25962) granting a pension to Mary Soper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25963) granting an increase of pension to John Metzger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25964) granting an increase of pension to Francis M. Baldwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25965) granting a pension to Letitia M. Leepard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25966) granting an increase of pension to Sarah J. Burroughs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25967) granting an increase of pension to George W. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25968) granting an increase of pension to W. H. McCallum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25969) granting an increase of pension to Charles R. Taylor; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of the Episcopal Church of the Diocese of Ohio, favoring legislation for relief of the natives of Alaska; to the Committee on the Territories.

Also, petition of the International Dredge Workers' Association, Local No. 3, Toledo, Ohio, favoring passage of House bill 18787, for regulating and shortening the hours of men building and maintaining Government rivers and harbors; to the Committee on Labor.

By Mr. CALDER: Petition of the Daughters of Liberty of Brooklyn, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the International Dredge Workers' Protective Association, favoring passage of House bill 18787, providing for shorter hours for men building and maintaining Government rivers and harbors; to the Committee on Labor.

Also, petition of the Allied Printing Trades Council of Greater New York, protesting against the passage of the Bourne parcel-post bill (S. 6850); to the Committee on the Post Office and Post Roads.

Also, petition of Eckford C. DeKay, military secretary to the governor, Albany, N. Y., favoring passage of House bill 2588, relative to improving the Naval Militia; to the Committee on Naval Affairs.

By Mr. DANFORTH: Petition of citizens of New York, favoring legislation regulating express rates and classification; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of New York, protesting against any parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Petition of Photo-Engravers' Union, No. 1, of New York, protesting against the passage of the Bourne parcel-post bill (S. 6850); to the Committee on the Post Office and Post Roads.

Also, petition of the National Association of Piano Merchants of America, protesting against any change in the patent laws affecting price maintenance; to the Committee on Patents.

Also, petition of the St. Augustine Board of Trade, St. Augustine, Fla., favoring bill turning the powder house lot over to the city of St. Augustine for a public park; to the Committee on Military Affairs.

Also, petition of the Hebrew veterans of the War with Spain, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Chamber of Commerce of Washington, D. C., protesting against the provision on page 109 of the sundry civil bill relative to reimbursing the United States amount due on one-half of the per capita cost of indigent patients in the Government Hospital for the Insane; to the Committee on Appropriations.

Also, petition of the Washington Architectural Club, protesting against the annulling of the Tarsney Act relative to hiring Government architects; to the Committee on Appropriations.

Also, petition of the National Shorthand Reporters' Association at Milwaukee, Wis., protesting against the passage of House bill 4036, making the United States district court official shorthand reporters a political appointment; to the Committee on the Judiciary.

Also, petition of Ernest A. Eggers and 75 other citizens of Brooklyn, favoring passage of the Roddenbery antiprize-fight bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of New York Typographical Union, No. 6, of New York, and the Allied Printing Trades Council of New York State, protesting against the passage of the Bourne parcel-post bill (S. 6850); to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petitions of P. C. Drescher, Sacramento, Cal.; Wellman Peck Co., San Francisco, Cal.; and Stetson, Barret Co., San Francisco, Cal., favoring passage of House bill 4667, requiring weights and measures be shown on labels and brands of food products; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Louis R. Dempster, San Francisco, Cal.; Lucy Fay Lawrence, Los Gatos, Cal.; and John C. Spencer, San Francisco, Cal., favoring passage of House bill 12532, establishing a national park at Mount Olympus, Wash.; to the Committee on the Public Lands.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring appropriation for the Diplomatic and Consular Service; to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of Oakland, Cal., favoring legislation for construction of a flood-water canal from the San Joaquin River; to the Committee on Rivers and Harbors.

Also, petition of W. A. Winn, Hollister, Cal., and John W. Davy, San Jose, Cal., favoring the passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of N. B. Taylor, San Francisco, Cal., favoring passage of bill for building the Lincoln memorial highway; to the Committee on Public Buildings and Grounds.

Also, petition of the Labor Council of San Francisco, Cal., favoring dismissal of Judge C. J. Hanford for canceling the citizenship papers of Leonard Oleson for being a member of the Socialist Party; to the Committee on the Judiciary.

Also, petition of Nelson A. Miles Camp, No. 10, United Spanish War Veterans, San Francisco, Cal., favoring appointment of qualified United Spanish War veteran on the Board of Pension Examiners; to the Committee on Pensions.

Also, petition of the Board of Trade of Richmond, Cal., favoring legislation for building a bridge across the San Francisco Bay; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Los Angeles, Cal., and the Chamber of Commerce of Oakland, Cal., favoring free use of the Panama Canal by American vessels; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Los Angeles, Cal., favoring passage of House bill 22589, for improving consular and diplomatic buildings; to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of San Francisco, Cal., and A. K. Salz, San Francisco, Cal., favoring passage of House bill 18327, for preparing a national directory of commercial organizations; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Berkeley, Cal., and the Board of Trade of San Francisco, Cal., favoring passage of the 1-cent postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the United States Customs Civil Service Retirement Association, and the Pennsylvania Civil Service Reform Association, protesting against passage of section 5 in House bill 24023, making a five-year tenure of office of civil-service employees; to the Committee on Appropriations.

Also, petition of the United Spanish War Veterans, favoring passage of House bill 17470, pensioning widows and orphans of the Spanish-American War, etc.; to the Committee on Pensions.

Also, petition of P. C. Drescher, of Sacramento, Cal., and R. H. Bennett, of San Francisco, Cal., favoring passage of House bill 22526, creating uniform weight and branding laws; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce, Los Angeles, Cal., and of George H. Hahn, of San Francisco, Cal., protesting against the passage of House bill 23417, removing price restrictions; to the Committee on Patents.

Also, petition of the Los Angeles Chamber of Commerce, favoring passage of Senate bill 122, creating a board of river regulation; to the Committee on Rivers and Harbors.

By Mr. KINDRED: Petition of the Workmen's Sick and Death Benefit Fund of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of New York Typographical Union, No. 6, protesting against the passage of the Bourne parcel-post bill (S. 6650); to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, protesting against the passage of any parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. SLOAN: Petition of Wilhelm Reiker, of Cedar Bluffs, Nebr., protesting against the wearing of sectarian garb in Government schools; to the Committee on Indian Affairs.

By Mr. SPARKMAN: Petition of citizens of Florida, favoring passage of House bill 16313, providing for the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. SULZER: Petition of the State Liability Board of Awards, Columbus, Ohio, relative to the workmen's compensation act; to the Committee on the Judiciary.

By Mr. TUTTLE: Petition of the Workmen's Sick and Death Benefit Fund of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Petition of citizens of New York, protesting against the passage of any parcel-post legislation; to the Committee on the Post Office and Post Roads.